

HOW THEY KEEP KILLING OUR ELECTRIC CAR

The Story Of Government-Sponsored Monopolies And Crony Corruption



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Table of Contents

The Attackers.....	3
Elon Musk Orders And Pays For Attacks On Every Competitor.....	15
Crony Capitalism Powers The Department Of Energy.....	24
The Bright Automotive Case.....	43
The XP Case.....	47
The Liars At The Department Of Energy.....	80
The Attacks On The Founders.....	92
How The Tech Cartel Controls Government And Election Decisions About Who Gets To Build Cars..	95
Inside The Secretive Silicon Valley Cartel Group That Funnels Millions To Crony Kick-Back Buddies.....	110
When Public Government Money Is Private Payola.....	115
REFERENCES, EVIDENCE LINKS AND SOURCES:.....	120

The Attackers

GM, Ford, Chrysler, Goldman Sachs, Google's Silicon Valley Cartel and The National Venture Capital Association manipulate funding, marketing, political policy, laws and politicians to hold off the electric car market on behalf of themselves.

The steel and oil industry always hated alternative energy cars, because those kinds of cars don't use their products very much. They have disinformation lobbies that *may* say everything about the competing cars **but** nothing compares to the psychological warfare attacks operated by big tech.

In the HBO documentary: "***Fake Famous***", you can see how a series of covert services can manipulate public thoughts and markets for even the lamest of people or concepts. Now multiply that power by a billion and you can imagine the scope of market manipulation brought to the battlefield by the tech oligarchs.

In Robert Kenner's documentary "***Merchants of Doubt***", you can clearly see how old-school media manipulation can trick most anybody and control markets.

To see the modern digital version of these monopoly tricks, you just need to read any news reports about digital election manipulation. Ie: (<https://pjmedia.com/election/victoria-taft/2020/11/24/big-tech-expert-says-googles-manipulations-shifted-at-least-six-million-votes-to-joe-biden-n1170152>)

Billions of dollars are expended by big players in order to kill off smaller players in a highly non-transparent process using CIA/In-Q-Tel spy agency-type tricks.

Electric cars don't use much, if any, steel so the steel industry feels it can keep billions of dollars for itself if it stops electric cars. The steel industry gets billions of dollars of contracts from Detroit which it pays back to Detroit in "special ways".

Electric cars don't use many petroleum products so the petroleum industry feels it can keep hundreds of billions of dollars for itself if it stops electric cars. The petroleum industry gets hundreds of billions of dollars of contracts from Detroit which it pays back to Detroit in "special ways".

Using a complex series of tactics deployed by hundreds of hired operatives, lobbyists, "consultants" and shills and costing Detroit vast millions per year, this ongoing strategic interdiction plan has been very effective; until the internet came along.

Recently, the new White House Administration has had it's top executives uncovered getting blow-jobs from the very reporters that are covering the White House, ie: the T.J. Ducklo Case. The sexual exploits of the new Administration's Steve Schmidt, Eric Schmidt, David Rubin, TJ Ducklo, Hunter Biden, John Weaver, Kamala Harris, etc. are the grist of every news outlet. This is the kind of media

Page 4 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

exploitation that energy industry manipulators fall to in order to take over trillions of dollars of market control. The war has gotten very, very dirty.

While Detroit has long been an enemy of the electric car, they have not yet spent as much money as Silicon Valley has spent to CONTROL the electric car. Silicon Valley is comprised of white frat boys with penis insecurity issues. They equate cars with penis size. On top of this, Silicon Valley believes they can data-harvest you in every possible way if they have you trapped in their vision of car connectivity and smart car spy-mobiles. Silicon Valley's sociopaths are giving old-school Detroit's grumpy grandpas a run for their money. Silicon Valley oligarchs believe THEY must control any car industry that is electric.

The Department of Energy is staffed and controlled by the current White House, at any given time. The Department of Energy is used as a slush-fund to pay off political campaign financiers and sabotage, delay and screw with their competitors.

Here is their playbook. Here are the details about how they do it. If you think it is how your world should work then you do not need to do anything. If you think that this kind of crony corruption is wrong then you need to use all of the same techniques, that they use, to end it.

Think about what crazy oligarchs might do to control trillions of dollars of profit, wars, mining and political power in the global energy and transportation industries.

Would they bribe? Yes!

Would they manipulate industries? Of course!

Would they rig elections and put their insiders in office? Certainly!

Would they do worse? Maybe.

Since you probably cannot even imagine that world, yet you know it exists, then you might want to help fix it. Here are some thoughts on that from around the web.

Who Really, Actually, Killed The Electric Cars?

These people really, actually, killed the electric cars:

- **Senators with Insider Trading Deals**
 - **Campaign Financiers with Investments in Competing Areas**
 - **Venture Capitalists with Competing Investments**
 - **The Steel Industry (because electric cars avoid using steel)**
 - **The Unions (Because they have certain deals with the “old” car companies)**
 - **The Oil Cartel**
 - **The Detroit Auto Cartel**
 - **The Department Of Energy**
-
- **The steel industry has a kick-back scheme with Detroit and a large number of Senators**
 - **The oil industry has a kick-back scheme with Detroit and a large number of Senators**
 - **The auto unions have a kick-back scheme with Detroit and a large number of Senators and Party Officials**
 - **Chrysler, Ford & GM have kick-back schemes between a large number of Senators, The oil industry and the steel industry**
 - **None of them make any money with electric cars so they don’t want any electric cars**
 - **GM, Ford & Chrysler manipulate funding, marketing, laws and politicians to hold off the electric car market on behalf of themselves and their steel and petro-chemical cartel partners.**

THEIR PLAYBOOK:

Targeted Blockade Efforts – All of the groups at the top of this report get together, via their lobbyists,

Page 6 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

and undertake coordination of all of the efforts listed below...

Department of Energy Manipulations – Documents have been uncovered which show that the Detroit Big 3 co-authored and lobbied the laws and decision process for DOE funding. The Big 3 represent that they are “competitors” but they conspire to direct all money to only themselves in auto funding efforts with tax dollars. Rahm Emanuel, while working as head of the White House, is said to have given Steven Chu a “*do Not Fund*” list prepared by Detroit and Campaign Backers.

Lobbyists – It costs \$50,000.00 to \$150,000.00 to buy any politician in Washington. There are only 32 people, at a time, you need to buy in Washington to change policy and laws that affect hundreds of millions of citizens. Buying a Senator is accomplished with cash, sex, tickets, plane trips, meals, after-Washington (“private sector”) kick-back jobs, lawyers, access, mortgages and other secret trades.

Tucker-izing – The Tucker incident was a grand example of a car company “take-down”. See the Francis Ford Coppola Movie: “A Man and His Dream” for a set of classic playbook tactics

Fake “White Papers” – Lobbyists write white-papers or hire McKinsey Consulting to write white-papers that are made to look academic but are really a series of shill documents skewed to try to trick politicians into voting for kickback schemes to high tech campaign backers and Detroit

Staged Venture Capitalists – Silicon Valley and NY VC groups organize to agree to not fund any but a few select companies that they control. They still take pitches from all of the other players so they can steal ideas and technology

Shill Pundits – Lobbyists who pretend to be subject experts and appear on TV and radio to say the same sales pitch/mantra over and over to embed falsehoods in the mind of the public

Shill Bloggers – Lobbyists who pretend to be subject experts and appear on blogs to say the same sales pitch/mantra over and over to embed falsehoods in the mind of the public

Corporate Saboteurs, Honey Traps & Spies – Over 500 Corporate Saboteurs, Honey Traps & Spies work in Silicon Valley alone. They are actually escorts, private eyes and undercover lobbyists. They are hired to infiltrate a competing company and cause a staff ruckus, prep a hostile take-over or get the CEO in a lawsuit. They try anything to slow-down or sabotage the new technology that is competing with the insiders above.

Controlling the Battery Industry – VC’s bought control of the battery industry and ore supplies in order to create their own cartel

Page 7 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Goldman Sachs – False front organizations which appear to be one thing are actually manipulating funding, public policy and media coverage, ie: McKinsey, EPRI, Goldman Sachs, Lobby Groups, Banking Groups, Venture Capital Groups

Shill “Reporters” – The key tactic is to make the public think that the EV market is crashing or is not being accepted by the public. This is accomplished by making sure every car is too expensive or too hard to fuel so that the public will not want one, under the current synthetically generated limits.

Penalty & Discouragement Laws created by Lobbyists – Making laws that only Detroit Cartel members can meet.

Green-Washing – A thing that is very deadly, explosive, toxic, impossible to dump safely, etc. (ie: Lithium ion) is branded and PR-hyped as a “green”-thing or “Cleantech”. Ie: Detroit said they needed more money because nobody was buying their cars so they told DOE to say they would give them free tax money to make “green cars” they never intended to market.

Building “See-It-doesn’t work” anti-EV’s – Car companies, who really don’t want to build electric cars, will build a few and either price them out of market interest or create a failure point so that they can say: “oh well, we tried, see it doesn’t work, back to gasoline then!”

Manipulating the stock market – By having the same investors in the crooks also be the same investors in the media companies and internet companies who control public information, they can delete any negative news and push only positive news about their cartel products (ie: Tesla/Google)

White House “Consultants” – Steve Rattner (Indicted), Steven Chu (Under Investigation) or certain “Expert Executives” that are part of a cartel get “appointed” as “advisers” so they can manipulate the taxpayer money from within the system

Controlling the Unions and their Votes – Senior Washington Executive Staff go to the unions and say “If we give your associated companies, that hire your members, a bunch of money will you make all of your members vote for our party/candidate/bill?”

The GM EV1 – Ahead of it’s time, consumer raves, killed off because it was too successful

Fake science papers – Lobbyists write papers or hire McKinsey Consulting to write white-papers that are made to look academic but are really a series of shill documents skewed to try to trick news editors into creating articles and news stories which skew to support kickback schemes to campaign backers and Detroit

Page 8 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Anti-Advertising – An example of this is the Chevy Volt ad showing the Volt being driven into a gas station for the owner to use the bathroom and then the owner getting abused and harassed by the other customers. For millions of dollars of ad buys and video production, the main subliminal message is that you will get harassed if you buy the car and you associate it with bathroom urges. Chevy and Madison Avenue knew EXACTLY what they were doing. You don't spend millions on "focus group ad response research", as shown in the UI/UX research budget for this ad, without knowing it will have a negative effect ahead of time.

Manipulation Front Organizations – False front organizations which appear to be one thing are actually manipulating funding, public policy and media coverage, ie: McKinsey, EPRI, Goldman Sachs, "Plug-in America", Lobby Groups, Banking Groups, Venture Capital Groups

Background Links:

Who Killed the **Electric Car**? – Wikipedia, the free encyclopedia Other charges raised on GM included sabotaging their own product ... There is also discussion about **electric** cars threatening ...

https://en.wikipedia.org/wiki/Who_Killed_the_Electric_Car%3F – [View by Ixquick Proxy](#) – [Highlight](#)

General Motors streetcar conspiracy – Wikipedia, the free encyclopedia Pacific **Electric** Railway streetcars stacked at a junkyard on Terminal Island, Los In Los Angeles, during the 1940s, **car** and tire companies teamed up against report goes on to craft a plausible case for a vast conspiracy to destroy clean, ...

https://en.wikipedia.org/wiki/General_Motors_streetcar_conspiracy – [View by Ixquick Proxy](#) – [Highlight](#)

Sabotage – Wikipedia, the free encyclopedia The IWW was shaped in part by the industrial unionism philosophy of Big Bill Haywood, ... to topple **electric** generators, damaged fuel tanks, and set buildings on fire. **sabotage**, refusing dock and train workers to work on ships and rail cars ...

<https://en.wikipedia.org/wiki/Sabotage> – [View by Ixquick Proxy](#) – [Highlight](#)

Killing the **Electric Car** – USA – YouTube 21 Sep 2007 ... Sep 2006 Did General Motors deliberately **sabotage** the marketing of **electric** cars because they threatened the motor **industry**? That's the ...

Page 9 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

https://www.youtube.com/watch?v=AU3_2IT8k8 – [View by Ixquick Proxy](#) – [Highlight](#)

NJ's Sabotaging of **Electric Cars** – [Bluelight](#) 13 Mar 2014 ... NJ's Sabotaging of **Electric Cars** ... of supposed free-market politicians propping up an unloved **industry** at the expense of real competition.

<http://www.bluelight.org/vb/threads/715770-NJ-s-Sabotaging-of-Electric-Cars> – [View by Ixquick Proxy](#) – [Highlight](#)

[‘The recession is a big challenge to **electric cars**’ – film-maker Chris ...](#) 3 May 2011 ... Mother Jones: Chris Paine, director of Who Killed the **Electric Car**?, on the ... and **car** manufacturers themselves—conspired to **sabotage** the launch of the first ... MJ: Are oil companies still trying to interfere with **electric cars**?

<http://www.theguardian.com/environment/2011/may/03/recession-electric-cars-paine> – [View by Ixquick Proxy](#) – [Highlight](#)

[Why did Big Republican Oil Companies Kill the **Electric Car** ...](#) they bought up tons of stuff that **electric cars** would use an tried to **sabotage** it by taking away its resources than they threatened **car** companies ...

<https://answers.yahoo.com/question/index?qid=20120616203518AAwWtct> – [View by Ixquick Proxy](#) – [Highlight](#)

[West Hills Collision/Hilltop Collision: EV1 **Electric Cars**](#) The General Motors EV1 was an **electric car** produced and leased by the General ... EV1 lessees accusing GM of self-sabotaging its **electric car** program to avoid ... also blaming the oil **industry** for conspiring to keep **electric cars** off the road.

<http://www.westhillscollision.com/upperv.php?article=ev1> – [View by Ixquick Proxy](#) – [Highlight](#)

[Who killed the **electric car**? – Straight Dope Message Board](#) The conclusion was that the **electric car** was killed by **car** companies (GM, in this ... For what benefit does GM want to **sabotage** the **electric car**?

boards.straightdope.com/sdmb/showthread.php?t=700503 – [View by Ixquick Proxy](#) – [Highlight](#)

Page 10 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

[The Tesla Patent Giveaway SMOKE SCREEN! | SOMO NEWS: A ...](#) 13 Jun 2014 ... Over 200 **electric car** companies tried to launch and every single one got lied to and stonewalled by the DOE, sabotaged by outsider take-overs ...

somosnark.wordpress.com/ 2014/ 06/ 13/ the-tesla-patent-giveaway-smoke-screen/ – [View by Ixquick Proxy](#) – [Highlight](#)

[Industrial espionage – Wikipedia, the free encyclopedia](#) Worldwide, around 50,000 companies a day are thought to come under France accused the U.S. of attempting to **sabotage** its high **tech industrial** base.

https://en.wikipedia.org/wiki/Industrial_espionage – [View by Ixquick Proxy](#) – [Highlight](#)

[Sabotage – Wikipedia, the free encyclopedia](#) The IWW was shaped in part by the **industrial** unionism philosophy of Big Bill ... under the title “General Interference with Organizations and Production”: of **sabotage**, “A single cooperative technician will be able temporarily to put out of ...

<https://en.wikipedia.org/wiki/Sabotage> – [View by Ixquick Proxy](#) – [Highlight](#)

[Employee Sabotage Don t Be a Target! – Workforce Management](#) Angry employees are sabotaging employers’ equipment and operations in ... ” Companies can replace windows and equipment, but it s harder to replace their ... American Society for **Industrial** Security based in Alexandria, Virginia, reports that 89 The Time and Attendance Technology ...

<http://www.workforce.com/articles/employee-sabotage-don-t-be-a-target> – [View by Ixquick Proxy](#) – [Highlight](#)

[Espionage & Sabotage – Gothia Protection Group AB](#) Most people associate espionage and **sabotage** with the military or politics. ... in nature and increasingly affect civilian high technology and other economic targets. ... GPG assists private persons, companies and organisations by implementing targeted ... levels of insurance against the risks ...

<http://www.gothiaprotection.se/en/investigation-services/espionage-sabotage.php> – [View by Ixquick Proxy](#) – [Highlight](#)

[4 industry megatrends you should ignore to sabotage your company ...](#) 26 Nov 2013 ...
4 **Industry** Megatrends That Can **Sabotage** Your Company and Your ... of having the right balance of

Page 11 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

technology and business skills in place.

<http://www.securityintelligence.com/> 4-**industry**-megatrends-**sabotage**-company-security-career/
– [View by Ixquick Proxy](#) – [Highlight](#)

Industrial espionage: Definition from Answers.com The systematic use of spies by American companies to report on their France accused the U.S. of attempting to **sabotage** its high **tech industrial** base.

<http://www.answers.com/topic/industrial-espionage> – [View by Ixquick Proxy](#) – [Highlight](#)

[Was Freedom Industries Sabotaged? – Topix](#) I read something online saying that there were suspicious things going on before the chemical leak. Some people think that Freedom Industries ...

<http://www.topix.com/forum/city/charleston-wv/T35K364OM6J9GCJ0I> – [View by Ixquick Proxy](#) – [Highlight](#)

[How To Prevent IT Sabotage Inside Your Company – CIO.com](#) 19 Aug 2011 ... Recent cases of IT workers who turn against their companies and ... a question that more companies should be asking themselves as internal IT **sabotage** how DDoS impacts technology companies including online gaming, ...

http://www.cio.com/article/688266/How_To_Prevent_IT_Sabotage_Inside_Your_Company – [View by Ixquick Proxy](#) – [Highlight](#)

Sabotage, Espionage and Treason – China-Threat Via the University of Michigan, other academic institutions, **industry**, business, ... The American Midwest is the Ft. Knox of the world's **industrial** technology, but ...

<http://www.china-threat.com/sabotage-espionage-and-treason.html> – [View by Ixquick Proxy](#) – [Highlight](#)

[Is Your Company Vulnerable to Cyber-Sabotage? – Chief Executive](#) 12 Jul 2011 ... Learn how CEOs from companies of all different industries and sizes are using new technologies to improve their businesses. If you think social ...

<http://www.chiefexecutive.net/is-your-company-vulnerable-to-cyber-sabotage> – [View by Ixquick](#)

Page 12 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Proxy – Highlight

- [Intel fined for sabotaging rival AMD – Technology | Beylux.com](#) 12 Jun 2014 ... Intel fined for sabotaging rival AMD ... rival company Advanced Micro Devices out of the market by offering ... In a selfless gesture, unusual for the highly competitive **car-making industry**, **electric** auto-maker Tesla decided to ...

<http://www.beylux.com/articles/technology/intel-fined-for-sabotaging-rival-amd> – [View by Ixquick](#)
Proxy – Highlight

- [Lickspittle Harper government helps Big Oil sabotage climate action ...](#) 3 Apr 2014 ... And while there are outlets for recharging **electric** cars across the ... the fossil fuel **industry** and lickspittle governments, the best example being ...

<http://www.rabble.ca/columnists/2014/04/can-death-denial-explain-lack-action-on-climate-change>
– [View by Ixquick](#) Proxy – Highlight

- [BYD Auto e6 | Plug In America](#) I have absolutely no allegiance to someone who would **sabotage** our health or ... When GM lead the **electric car industry** with California's initiative(EV1), they, ...

<http://www.pluginamerica.org/vehicles/byd-auto-e6?page=2> – [View by Ixquick](#) Proxy – Highlight

- [Dude, where's my electric car? – University Observer](#) 18 Jan 2011 ... The evolution of the automotive **industry**, which relies almost ... In perhaps a case of self-**sabotage**, the product was doomed early on but it is ...

<http://www.universityobserver.ie/2011/01/18/dude-wheres-my-electric-car/> – [View by Ixquick](#)
Proxy – Highlight

- [November 2013 Plug-In Electric Vehicle Sales Report Card | Inside ...](#) 5 Dec 2013 ... Despite a relatively muted first half of the year, **electric** vehicle sales have ... 2014 LEAFs are in production now and should hit US dealerships in the Spark is a compliance **car**, they are sabotaging Volt sales during the ...

<http://www.insideevs.com/november-2013-plug-in-electric-vehicle-sales-report-card/> – [View by Ixquick](#) Proxy – Highlight

Page 13 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

- [6 Insane Conspiracy Theories \(That Actually Happened\) | Cracked ...](#) 22 Jun 2012 ... Today, the ascendance of the automotive **industry** is a foregone ... **car** prices, the **car industry** looked at the people who rode **electric** ... then destroy the systems, and soon enough America would run on gasoline-powered tires.

http://www.cracked.com/article_19884_6-insane-conspiracy-theories-that-actually-happened.htm l
– [View by Ixquick Proxy](#) – [Highlight](#)

- [Who Killed the **Electric Car**? – ThePanelist](#) In this cameo, he eulogizes the EV1 at a staged funeral for the **car** in 2003, where ... prompting **car** companies to recall and destroy all existing **electric** vehicles.

<http://www.thepanelist.net/movie-reviews-culture-10082/16-who-killed-the-electric-car> – [View by Ixquick Proxy](#) – [Highlight](#)

- [The first **electric car** in the world / The TOC In English](#) 13 Mar 2014 ... the-first-**electric-car**-in-the-world ... efforts by competing industries or the fuel **industry** to **sabotage** its production, although nothing could ever be ...

<http://www.thetoc.gr/eng/technology/article/the-first-electric-car-in-the-world> – [View by Ixquick Proxy](#) – [Highlight](#)

[Fighting cyber attacks with **honey traps** | Technology | DW.DE ...](#) Mar 18, 2013 ... In a recent survey the Federal Association for Information Technology, Telecommunications and New Media (BITKOM) – an e-**industry** lobby ...

<http://www.dw.de/fighting-cyber-attacks-with-honey-traps/a-16675898> – [View by Ixquick Proxy](#) – [Highlight](#)

[Honey trap conwoman tricked me out of £35k – Croydon Advertiser](#) Mar 7, 2014 ... ‘**Honey** trap conwoman tricked me out of £35k’ Her brother, she said, was in the technology **industry** and could get him Apple products at ...

<http://www.croydonadvertiser.co.uk/Honey-trap-conwoman-tricked-35k-holiday-scam/story-20778800-detail/story.html> – [View by Ixquick Proxy](#) – [Highlight](#)

[UK **Honey** Trap – HoneyTrap Agency – **Honey** Trap – Home](#) Honeytrap Services to the UK – Spouse Investigation using the popular **honey** ... Unlike other companies who just specialise in Honeytraps, most of our team are ... and experienced investigators, using the latest and most advanced technology,

Page 14 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

<http://www.ukhoneytrap.co.uk> – [View by Ixquick Proxy](#) – [Highlight](#)

How businesses can avoid ‘honeytrap’ scams – **Tech Page One** – Dell Apr 11, 2014 ... Businesses are at risk for honeytrap files which contain secret viruses. Once downloaded, they go undetected until hackers decide to steal your ...

techpageone.dell.com/technology/businesses-can-avoid-honeytrap-scams/ – [View by Ixquick Proxy](#) – [Highlight](#)

Thought for the day: The **honey trap** – Computer Weekly Using honeypots could be the answer, says Tareque Choudhury. ... huge amounts of money in research to help develop technology that is vital to their progress. ... cyberterrorism, industrial espionage and general network-based attacks.

<http://www.computerweekly.com/feature/Thought-for-the-day-The-honey-trap> – [View by Ixquick Proxy](#) – [Highlight](#)

Chinese use honeytraps to spy on French companies, intelligence ... Feb 1, 2011 ... The use of honeytraps to extort information and the placement of spying interns ... with a local Chinese firm and transfer part of their technology.

<http://www.telegraph.co.uk/news/worldnews/europe/france/8296423/Chinese-use-honeytraps-to-spy-on-French-companies-intelligence-report-claims.html> – [View by Ixquick Proxy](#) – [Highlight](#)

The History of the **Honey Trap** – Foreign Policy Mar 12, 2010 ... The trade name for this type of spying is the “**honey** trap. ... In 1986, Mordechai Vanunu, an Israeli technician who had worked in Israel’s and **industry** were now stocked with lonely single women, ripe — in his mind — for the ...

http://www.foreignpolicy.com/articles/2010/03/12/the_history_of_the_honey_trap – [View by Ixquick Proxy](#) – [Highlight](#)

“Dirty Tricks” Revealed: False Flags, Virus Attacks, and **Honey Traps** Feb 7, 2014 ... Latest Snowden documents show spy agency operations included ‘releasing computer viruses, spying on journalists and diplomats, jamming ...

[http://www.blacklistednews.com/GCHQ's_%22Dirty_Tricks%22_Revealed%3A_False_Flags,](http://www.blacklistednews.com/GCHQ's_%22Dirty_Tricks%22_Revealed%3A_False_Flags)

Page 15 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

_Virus_Attacks, _and_ **Honey_Traps**/ 32702/ 0/ 38/ 38/ Y/ M.html – [View by Ixquick](#)
[Proxy](#) – [Highlight](#)

Elon Musk Orders And Pays For Attacks On Every Competitor

Elon Musk is in business with Nancy Pelosi, Dianne Feinstein, Barack Obama and Joe Biden. They have all put tens of millions of dollars in each of their bank accounts entirely because of their business deals with each other. That is a legal conflict-of-interest, though.

Sociopath narcissist Musk can't stand others competing with him. He would rather *Cheat Than Compete* with other faster, lower cost, safer competitors. His boyfriends Larry Page, Peter Thiel and Eric Schmidt are more than happy to help him with the take-downs and stock market hype.

Everyone asks: "*How Does Elon Musk Maintain His Corrupt Empire Of Lies Without Getting Shut Down By The Government?*"

Elon Musk has spent more money creating fake fame for his narcissist personality disorder than any other person in history! Musk is obsessed with buying troll farm outputs, Chinese click-bait processing service orders, fake Facebook likes, fake Twitter follows, Reddit self-glory lie-blogger services and PR hype media articles about himself. Musk can't stand to go a single day without trying to make people think he is a god-like deity when he is just a scamming tech mobster!

Musk has a relationship with Nick Denton and Gawker Media, Gizmodo Media, Jalopnik and that whole tabloid empire. Musk uses Denton to run defamation campaigns against reporters, politicians and competitors.

Elon Musk runs a RICO-violating, stock market-manipulating, anti-trust-violating organized crime cartel! He is the high tech Godfather of financial crime and he is many times more "untouchable" than Al Capone! Public officials should be embarrassed to death that Musk waltzes around with such impunity. Musk maintains his immunity with BRIBES to Congress, bribes to the DOT, bribes to the NHTSA, and other political agencies. He acts as a conduit to pass free government cash he scams from politicians through his organization and back out, covertly, to those same politicians like Harris, Pelosi, Feinstein, et al.

HOW THE MUSK SILICON VALLEY SCAMS WORK:

Elon Musk, and the Silicon Valley Cartel, have over 1000 people at Goldman Sachs that are dedicated to keeping this corrupt empire operating on smoke and mirrors in order to hype up the stock via dirty tricks such as these:

**** The Silicon Valley Stock Scam Called: "Pools"**

Agreements, often written, among a group of traders to delegate authority to a single manager to trade in a specific stock for a specific period of time and then to share in the resulting profits or losses."[\[5\]](#) In

Page 17 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Australia section 1041B prohibits pooling. (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-5)

**** The Silicon Valley Stock Scam Called: "Churning"**

When a trader places both buy and sell orders at about the same price. The increase in activity is intended to attract additional investors, and increase the price.

**** The Silicon Valley Stock Scam Called: "Stock bashing"**

This scheme is usually orchestrated by savvy online message board posters (a.k.a. "Bashers") who make up false and/or misleading information about the target company in an attempt to get shares for a cheaper price. This activity, in most cases, is conducted by posting libelous posts on multiple public forums. The perpetrators sometimes work directly for unscrupulous Investor Relations firms who have convertible notes that convert for more shares the lower the bid or ask price is; thus the lower these Bashers can drive a stock price down by trying to convince shareholders they have bought a worthless security, the more shares the Investor Relations firm receives as compensation. Immediately after the stock conversion is complete and shares are issued to the Investor Relations firm, consultant, attorney or similar party, the basher/s then become friends of the company and move quickly to ensure they profit on a classic Pump & Dump scheme to liquidate their ill-gotten shares. (see P&D)

**** The Silicon Valley Stock Scam Called: "Pump and dump"**

A [pump and dump](#) scheme is generally part of a more complex grand plan of market manipulation on the targeted security. The Perpetrators (Usually stock promoters) convince company affiliates and large position non-affiliates to release shares into a free trading status as "Payment" for services for promoting the security. Instead of putting out legitimate information about a company the promoter sends out bogus e-mails (the "Pump") to millions of unsophisticated investors (Sometimes called "Retail Investors") in an attempt to drive the price of the stock and volume to higher points. After they accomplish both, the promoter sells their shares (the "Dump") and the stock price falls, taking all the duped investors' money with it.

**** The Silicon Valley Stock Scam Called: "Runs"**

When a group of traders create activity or rumours in order to drive the price of a security up. An example is the [Guinness share-trading fraud](#) of the 1980s. In the US, this activity is usually referred to as painting the tape.[6] Runs may also occur when trader(s) are attempting to drive the price of a certain share down, although this is rare. (see Stock Bashing) (https://en.wikipedia.org/wiki/Guinness_share-trading_fraud)

**** The Silicon Valley Stock Scam Called: "Ramping (the market)"**

Actions designed to artificially raise the market price of listed securities and give the impression of voluminous trading in order to make a quick profit.[7] (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-7)

Page 18 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

**** The Silicon Valley Stock Scam Called: "Wash trade"**

In a [wash trade](#) the manipulator sells and repurchases the same or substantially the same security for the purpose of generating activity and increasing the price.

**** The Silicon Valley Stock Scam Called: "Bear raid"**

In a [bear raid](#) there is an attempt to push the price of a stock down by heavy selling or [short selling](#).^[8] (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-8)

**** The Silicon Valley Stock Scam Called: "Lure and Squeeze"**

This works with a company that is very [distressed on paper](#), with impossibly high debt, consistently high annual losses but very few assets, making it look as if bankruptcy must be imminent. The stock price gradually falls as people new to the stock short it on the basis of the poor outlook for the company, until the number of shorted shares greatly exceeds the total number of shares that are not held by those aware of the lure and squeeze scheme (call them "people in the know"). In the meantime, people in the know increasingly purchase the stock as it drops to lower and lower prices. When the short interest has reached a maximum, the company announces it has made a deal with its creditors to settle its loans in exchange for shares of stock (or some similar kind of arrangement that leverages the stock price to benefit the company), knowing that those who have short positions will be squeezed as the price of the stock sky-rockets. Near its peak price, people in the know start to sell, and the price gradually falls back down again for the cycle to repeat.

**** The Silicon Valley Stock Scam Called: "Quote stuffing"**

[Quote stuffing](#) is made possible by high-frequency trading programs that can execute market actions with incredible speed. However, high-frequency trading in and of itself is not illegal. The tactic involves using specialized, high-bandwidth hardware to quickly enter and withdraw large quantities of orders in an attempt to flood the market, thereby gaining an advantage over slower market participants.^[9] (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-9)

**** The Silicon Valley Stock Scam Called: "Cross-Product Manipulation"**

A type of manipulation possible when financial instruments are settled based on [benchmarks](#) set by the trading of physical commodities, for example in United States Natural Gas Markets. The manipulator takes a large [long \(short\) financial position](#) that will benefit from the benchmark settling at a higher (lower) price, then trades in the physical commodity markets at such a large volume as to influence the benchmark price in the direction that will benefit their financial position.

**** The Silicon Valley Stock Scam Called: "Spoofing (finance)"**

[Spoofing](#) is a disruptive algorithmic trading entity employed by traders to outpace other market participants and to manipulate commodity markets. Spoofers feign interest in trading futures, stocks

Page 19 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

and other products in financial markets creating an illusion of exchange pessimism in the futures market when many offers are being cancelled or withdrawn, or false optimism or demand when many offers are being placed in bad faith. Spoofers bid or offer with intent to cancel before the orders are filled. The flurry of activity around the buy or sell orders is intended to attract other [high-frequency traders](#) (HFT) to induce a particular market reaction such as manipulating the market price of a security. Spoofing can be a factor in the rise and fall of the price of shares and can be very profitable to the spoofer who can time buying and selling based on this manipulation.

**** The Silicon Valley Stock Scam Called: "Price-Fixing"**

A very simple type of fraud where the principles who publish a price or indicator conspire to set it falsely and benefit their own interests. [The Libor scandal](#) for example, involved bankers setting the [Libor](#) rate to benefit their trader's portfolios or to make certain entities appear more creditworthy than they were.

**** The Silicon Valley Stock Scam Called: "High Closing (finance)"**

High closing is an attempt to manipulate the price of a security at the end of trading day to ensure that it closes higher than it should. This is usually achieved by putting in manipulative trades close to closing.

**** The Silicon Valley Stock Scam Called: "Cornering the market"**

In [cornering the market](#) the manipulators buy sufficiently large amount of a commodity so they can control the price creating in effect a [monopoly](#). For example, the brothers [Nelson Bunker Hunt](#) and [William Herbert Hunt](#) attempted to corner the world [silver](#) markets in the late 1970s and early 1980s, at one stage holding the rights to more than half of the world's deliverable silver.^[10] (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-TEXAS-10) During the Hunts' accumulation of the precious metal, silver prices rose from \$11 an ounce in September 1979 to nearly \$50 an ounce in January 1980.^[11] (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-NYT-11) Silver prices ultimately collapsed to below \$11 an ounce two months later,^[11] much of the fall occurring on a single day now known as [Silver Thursday](#), due to changes made to exchange rules regarding the purchase of commodities on margin.^[12] (https://en.wikipedia.org/wiki/Market_manipulation#cite_note-TimeBubble-12)

**** The Silicon Valley Stock Scam Called: "The Political Campaign Conduit Double Blind"**

In this scam, government money is given to a Tesla, Solyndra, etc. who then money launder the cash through executive-held 501 c3 and c4 charities; and company assets and then provide DARK MONEY cash and services to political campaigns like Obama and Clinton election funds. In the case of Tesla, Google (an investor and boyfriend of Musk) supplied billions of dollars of web search rigging. Stock ownership in the companies and deals is traded for campaign funds. David Brock is a master of this kind of Dark Money money-laundering for political campaigns using PACS and pass-through spoofing.

Tesla and Solyndra investors have used ALL of the above tactics and more. Goldman Sachs and JP

Page 20 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Morgan have thousands of staff who PROVIDE these stock market manipulation tricks to people like Elon Musk, Larry Page, Eric Schmidt, et al. These kinds of financial crimes and corruption account for the manipulation of over ONE TRILLION DOLLARS of ill-gotten profits annually!

They all run a constant shell game and ponzi scheme using shell corporations, fake family trusts, hookers, facade real estate, dirty CPA's, dirty corporate law firms, David Plouffe and James Halderman-type dirty operatives, lobbyists who are just bribery bag men, crooked CIA and FBI insiders and other criminal tools.

But: THE PUBLIC CAN NOW HUNT THESE CORRUPT PIGS DOWN LIKE DOGS and use the same tactics above, as proven in the GAMESTOP test, to nail them!

Given the massive stimulus packages that are in force today and expected to be implemented going forward, regulators need to set clear guidelines for how and when such privileged information can be disclosed, and impose rigorous trading restrictions for investors with access to private information. Failure to do so always gives unfair advantage to some and damages the level playing field in financial markets.

To avoid providing such unfair advantage to selected executives, the SEC and the Department of Justice need to develop new procedures to incorporate potential illegal transactions derived from information about government intervention through diverse channels. Plaintiffs advocate for a more transparent and consistent protocol on information disclosure regarding government's loan programs to prevent similar events from recurring. For example, the government could channel the release of news about COVID-19-related stimulus interventions through a common platform to prevent leakage from diverse sources and reduce information asymmetry among investors.

The corrupt DFC loan to Kodak is the first of its kind under the Defense Production Act but not the first ever because DOE already created the pump-and-dump scheme for tech oligarchs. Nobody should be surprised by Kodak trying a proven corruption scam. Since we are in unprecedented times, government agencies and regulators need to make changes to adapt to the current situation and fulfill their mission to ensure a level playing field for investors even during this difficult period. Regulation never happens in these scams because most California Senators and their families profit from these crimes and corruption.

In addition to Musk's insidious army of corruption douche-bag enablers at Goldman Sachs, there are also:

- An army of worker-bee financial scam artist operatives at corrupt Welles Fargo and Deutsche Bank. There are about 120 people in that set of insider operatives
- Jared Birchall, the head of Elon Musk's family office Excession LLC is a front man and bag man for the outside layer of Musk's public-facing scams
- Deloitte Consulting has 17 financial advisors dedicated to ponzi scheming the appearance of liquidity in the Musk Empire

Page 21 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

- Law firm Wilson Sonsini has 42 lawyers and admins dedicated to delaying, deferring and holding off law-suits and anti-trust filings against Musk.
- McKinsey Consulting has 120 staff dedicated to authoring and distributing bullshit hype ‘white papers’ to Congress that sell budget ideas to the government that exclusively benefit Elon Musk. McKinsey is also in charge of getting people appointed or hired by the government who will provide payola and quid pro quo back to the Musk empire.
- Corrupt law firm Covington and Burling has 27 people dedicated to influencing and changing laws and public policy that will exclusively protect Musk. They put Eric Holder, Steven Chu and other top officials into the Obama Administration based on promises by those officials to protect and fund Musk.
- James Howard is one of over 56 private investigators that Musk has hired to dig up dirt on people that Musk does not like and to run attacks on them.
- In-Q-Tel is a rogue off-shoot of the CIA. Musk has hired a large number of In-Q-Tel staff to engage in CIA-class dirty tricks against competitors and former employees who expose Musk’s lies.
- Gawker Media, AKA Gizmodo Media are a tabloid character-assassination-for-hire operation which Musk contracts and owns interest in. They are mission-ed to to destroy the lives of others, in cooperation with Google’s servers. Payments for attack services, between all of the parties, have been uncovered.
- Google is an investor in Musk’s operations and the bosses of Google are bro-mance boyfriends of Musk. Google controls most perceptions on the internet using psychological manipulation tactics taught to them by their investor: In-Q-Tel. In-Q-Tel also works for and with Musk. Larry Page, of Google, and Musk got an apartment together and plan political schemes together.
- Elon Musk, or his associates have hired every hight tech law firm that could go after him in order to conflict-out and law firms that might get hired to go after him. His top corrupt manipulator partners-in-legal crime include: Quinn Emanuel Urquhart & Sullivan, Fenwick & West, Connolly & Williams, Perkins Coie, Steven Farina, Raol Campos and hundreds of others. In fact, a competitor of Musk’s was seeking a law firm to sue Musk and was told by Law firm Wilson Sonsini: “You can’t sue Elon Musk because he and his Sandhill road Cartel control every high tech law firm in America...” In some cases, Musk has sent some of his lawyers to smaller business entities that want to sue Musk. Musk's lawyers pretend to be lawyers who are "offering to help" the opposition company but they are really there to covertly sabotage their legal efforts in order to protect Musk.

[Tesla](#) and CEO Elon Musk are facing dozens of lawsuits and investigations, according to public filings.

The costs of defense and settlements burden the car maker financially at a time when Tesla is already [cutting headcount](#), [closing stores](#) and [delaying loan repayments](#).

Among Tesla’s most recent legal woes, the Securities and Exchange Commission has filed a motion to

Page 22 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

hold Musk in contempt of court. The financial regulators argue that Musk violated the agreement [they finalized with him and Tesla in October 2018](#) requiring the CEO to submit his tweets for review by the company's in-house counsel if they contained material business information and could potentially affect the company's stock price.

Musk is represented in this matter by John C. Hueston, formerly the lead prosecutor for the federal trial of Enron's Jeffrey Skilling.

Beyond the contempt case, here are some of the other cases and investigations Tesla and Musk are facing that could most impact the company.

- [NHTSA and NTSB](#) regularly investigate crashes involving Tesla vehicles and the use of "Autopilot" features. These agencies initiated new investigations in March 2019, after another Tesla-involved incident proved fatal for a Model 3 driver who collided with a semi-trailer in [Delray Beach, Florida](#).
- According to a [Department of Justice](#) statement, a former Tesla employee named Salil Parulekar was indicted in November 2018 for allegedly embezzling \$9.3 million from Tesla by diverting payments from one supplier to another. The potential case, which hasn't moved past the indictment, could reveal more about troubles with Tesla's supply chain.
- Two former Tesla security employees, [Karl Hansen](#) and Sean Gouthro, filed whistleblower complaints via the law firm Meissner Associates to the SEC. They claim, among other things, that Tesla [spied on workers](#), and covered up theft and narcotics trafficking at its battery plant in Sparks, Nevada.
- A former employee, [Marcus Vaughn](#), is pursuing a class-action lawsuit against Tesla in California alleging that the company ignored black employees' reports of rampant racism. Tesla is trying to compel arbitration, and the plaintiff's lawyers say they are fighting Tesla's motions.
- The National Labor Relations Board filed a [complaint in August 2018](#) accusing Musk of violating labor laws with a tweet on May 20 that employees wouldn't have stock options if they formed a union.
- Tesla-owned SolarCity has been the subject of multiple SEC investigations dating back to 2012, according to [Probes Reporter](#), a firm that publishes FOIA research for investors. (As of May 2108, SolarCity was still under at least one SEC investigation, said Probes Reporter CEO John P. Gavin.)
- Musk is being [sued by spelunker Verne Unsworth](#), whom Musk claimed without evidence was a pedophile and child rapist. Musk lobbed those dramatic accusations at Unsworth after the cave diver questioned the Musk's attempts to aid in the rescue of a Thai boys' soccer team. Unsworth was part of the successful rescue effort and was critical of Musk's approach.

Page 23 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

- In a Delaware Chancery Court, shareholders are suing Tesla alleging that the company's [acquisition of SolarCity in 2016](#) was improperly handled by the board, benefitted six out of seven of Tesla's then-board members, and was ultimately a detriment to the company and its minority shareholders.

Analysis by legal research firm Plainsite found at least [38 securities actions](#) filed against Tesla or Elon Musk (or both) since 2010, the year the company went public. Plainsite – which founder Aaron Greenspan describes as a “legal transparency initiative” – scans public records across the US legal system to document the volume and types of litigation effecting major U.S. corporations. (Greenspan personally holds puts in Tesla today.)

By way of comparison, Greenspan says he found only 1 securities lawsuit against [Ford Motor Company](#) filed since 2016, and only 4 since 1996, although this does not include all Ford subsidiaries.

Along with the securities litigation, Plainsite also found 43 workers' rights cases, 14 deposit theft cases, and 20 vendor and government non-payment cases filed against Tesla since it went public in 2010. Of the 20 non-payment cases, 6 were from tax agencies in different states, Greenspan said.

Tesla also faces dozens of lawsuits around specific car-related issues, including allegations that Bluetooth doesn't work, that Autopilot has caused Tesla cars to swerve into the wrong lanes and more. Most car-specific lawsuits against Tesla focus on [the Model X](#). But Greenspan expects Model 3-related lawsuits to grow as the company sells more of these electric sedans. Even with all of these lawsuits, Musk has the taxpayer provided cash to buy off any judge, any court, any politician and any influence dynamic.

- Steve Davis runs operations to manipulate actual intent for Musk's The Boring Company.
- The pretend CFO's in Musk's cartel including Zachary Kirkhorn, Vaibhav Taneja, Deepak Ahuja, Eric Branderiz, etc., are fully aware of the lies and financial crimes that Musk's shell game is based. They need to be in prison too.
- Above and beyond the army of over 3000 corruption implementation employees and contractors, Musk #1 protection scheme is lobbyists and political intermediaries who pay bribes and produce quid pro quo and revolving door payola. Podesta Group, Roberti Global, David Plouffe, Jeff Burton, and over 150 other groups and individuals transfer the cash, PAC omerta funds, jobs, real estate, [sex](#) and other goodies to politicians. Senator Dianne Feinstein's go from working for Feinstein to working for Musk like a political conveyor belt. Bribes hidden via family trust funds and elaborate shell game corporations and off-shore snake holes are the bread-and-butter of the Musk existence.

Page 24 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

These facts are known, they are documented in FBI, SEC, FTC, FEC and Congressional records. It is pathetic that Musk can operate and that he is not sitting in a federal prison cell! Elon Musk is a scammer, mobster, liar, pervert, drug abusing, narcissist, Senator-bribing sociopath! Musk can run and try to hide in Texas but there is now no place he can hide!

NOTICE: To the editors allowing idiot child "reporters" to support Elon Musk's BS:

We file complaints against each one of your writers who has accepted compensation in order to use your publication to promote falsehoods, lies and contrived public relations tripe for Elon Musk's narcissist self-aggrandizement campaign designed to cover-up his crimes, scams and corruptions. Your writers have full knowledge of the proven facts in investigative documents such as:

[How The Sociopath Venture Capitalists of Silicon Valley Prop Up Elon Musk And His Failed Tesla Motors.pdf](#)

[How Does Elon Musk Maintain His Corrupt Empire Of Lies Without Getting Shut Down By The Government?.pdf](#)

[TESLA MOTORS UPDATE #3.pdf](#)

[MUSK REPORTER.pdf](#)

<http://www.the-elon-musk-problem.com>

[THE SICK CORRUPT EMPIRE OF ELON MUSK - THE MOVIE](#)

[THE BOOK OF TESLA EDIT ODT V.2.7.pdf](#)

[THE DIRTY DEEDS OF SILICON VALLEY.pdf](#)

and hundreds of thousands of previous news reports, FBI and SEC reports. These facts are easily found online by anyone of, at least, grade-school intelligence level. (ie: <http://american-corruption.com/public> or Reddit or Voat..or pretty much anywhere...). If your reporters ignore these facts then your publication will suffer revenue loss, stock market hits, devaluation, reports of your [sex abuses](#) and other sadness!

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Crony Capitalism Powers The Department Of Energy

White House Staff including Rahm Emanuel, Bill Daley, Jay Carney, David Plouffe, Robert Gibbs, Steve Rattner, David Axelrod, John Podesta, et al; and The Secretary of Energy Steven Chu and the Chief Counsel for the United States Department of Energy Daniel Cohen and Bill Cooper were, (from 2007 forward), either financed by, friends, with, sleeping with, dating the staff of, holding stock market assets in, promised a revolving door job or government service contracts from, partying with, personal friends with, photographed at private events with, exchanging emails with, business associates of or directed by; our business adversaries, or the Senators and Department of Energy politicians that those business adversaries pay campaign finances to, or supply political digital search manipulation services to. Criminal U.S. Senators coordinated and profited in these schemes. Their own family members have now supplied evidence against them. Elon Musk and his frat boys display their self-aggrandizing vanity in sociopath glory because nobody tells them "no". Now we are calling them out!

From 2007 forward, The White House and The Department Of Energy were controlled by the Silicon Valley tech oligarchs for monopolistic profiteering! That is a violation of the law, the Constitution and the American Way. The named person's we have presented to the FBI, DOJ, SEC and other agencies, engaged in crimes to personally profit in the stock market and political venues. At the same time they operated the command and control of millions of dollars of defamation, character assassination and black-list attacks against us for reporting their crimes. These perpetrators are now being exposed, arrested, indicted and drained of their ill-gotten profits. We are owed our damages compensation and we will not rest until we get it! Every member of the public is invited to help crowd-source the termination of these corrupt crooks.

We worked for, with, in and around the White House and The Department of Energy. We were at the

Page 26 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

homes of the most famous people in government and their Silicon Valley financiers. We have cooperated with top law enforcement and Congressional investigators. Additional whistle-blowers have provided our effort with even more evidence. Ourselves, and investigating agencies, have absolute proof of the crimes, corruption and illicit activities and the ongoing cover-ups.



These kinds of hard facts about Tesla's horrific engineering are covered up by the Silicon Valley controlled media. One way to kill electric cars is to allow a crappy company like Tesla to avoid any real news coverage and to get Silicon Valley media oligarchs to hide any negative Tesla news.

By Susan Johnlo For Web Times (Based on actual events)

The sun glistened off the sleek futuristic body of the six figure Tesla sports car as it careened around the next curve of the beautiful Malibu coastal highway.

Below, the Pacific Ocean spread out to the horizon in an endless carpet of blue, undulating waves and sparkling wonder.

Nickleback was blaring from the speakers of the car, the driver's hair was tossed in the wind, his popped collar was flapping in the high speed rush of air and his Ray Bans barely hid his I-own-the-world feeling of delight in the moment.

Then the gates of hell opened up...

The car suddenly swerved, it dived straight off the cliff. Did the driver smell the smoke, or see the flames first? We may never be sure.

Page 27 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Was the, notoriously, hackable Tesla suddenly taken over by Chinese hackers, who had found his car IP address on the internet? That is another question that has yet to be resolved.

What is certain, is the horrific death that then followed. As investigators, safety engineers and fire officials detail the sequence of events, the results require a warning to readers: **Do not read further if you have a weak stomach –**

First, lithium ion battery number 862, in the floor pan of the car, experienced the collapsing housing of the lightweight aluminum box housing that surrounded it. The collapsing metal pierced the skin of the first battery. This was caused by the first rock that the lower corner of the Tesla floor pan slammed into.

The rapid compression, and distortion of the 3 inch long Tesla battery caused that battery to buckle and forced the metal compounds inside, the lithium ion core battery chemicals, to experience the force as a pyrotechnic trigger. This, then caused that battery to release vapors, while at the same time, igniting those vapors like a little hand-grenade.

This battery had just been struck, ignited and exploded, and in that fire and explosion it was releasing gases which the driver was inhaling in his last moments of life. Those gasses have been publicly documented by The FDA, OSHA, Panasonic , and hundreds of other laboratory-grade facilities, to be the cause of cancer, liver damage, neurological damage, fetal damage and other deadly health issues.

If this driver had not been killed by the fire and explosions, he would have had a longer, slower set of lethal issues to contend with.

Back to battery number 862; a few milliseconds after battery number 862 experienced the catastrophic explosion, battery number 863, right next to it, experienced the same devastating failure. This was followed by battery number 864, then number 865, then number 866, milliseconds apart. A chain reaction of self-igniting thermal hell was underway and no fireman could stop it now, nor, could they stop it after the crash.

The unstoppable nature of this lithium ion battery fire, set Malibu Canyon, itself, on fire.

So these flashlight-type batteries, that every Tesla driver is sitting on top of, are going off like military grade incendiary devices, during this crash, one-after-the-other.

These flashlight batteries were never made to be used in cars. Safety engineers say that Elon Musk's decision to use these batteries, in this way, was based on rapid profit exploitation, and not on proper engineering.

Page 28 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Be that as it may, we are now mid-way through the slow motion movie of this crash. The batteries are exploding, one after the other, the car is plowing through the rocks and debris as it dives off the cliff. But the horror has only begun. How many batteries do we have to watch explode in this single vehicle? NEARLY 8000 EXPLODING BATTERIES.

Let us stop and consider this fact.

Where only one in 40 gasoline tanks, in each regular car accident, ever explodes. Here, in one car, you have nearly 8000 possibilities of an explosion AND each battery, that explodes, has an extremely high likelihood of setting off, all the rest, in a chain reaction. Do you like those odds? You have a 400% better chance of winning the lottery.

In our slow motion analysis, we have only crossed the half-way point in the accident. The front of the car is crumpling, the heavy batteries are being thrown upwards, through the floor of the car, to cover the driver in exploding lithium metal particles, and the cockpit of the car is filling up with some of the most toxic fumes you can legally produce.

Still, the worst is yet to come.

The special alloys, which Tesla decided to make its car out of, turn out to interact with the exploding batteries to cause an effect called alloy conflagration. The very metal of the Tesla car has now been set on fire by the massive heat from these exploding batteries. The car has turned into the public version of a military phosphorous bomb, one of the most hideous military weapons of all time. This burning metal composition is worse than napalm, it can burn all the way through your face, your skull, and any bones in your body. It is a fire that almost nothing can extinguish.

Molten, flaming metal is dripping on the driver and it is coming from every side of the car, surrounding him in a fireball of deadly metal lava.

The car has finally come to a rest in a fireball. The driver is consumed in a nightmare of fire, dripping molten metal and deadly toxic smoke. The pain is beyond comprehension.

He is, in the same moment, burned to death, asphyxiated and entombed in red hot liquid metal.

The resulting fire, in the Canyon, is, at first, unstoppable and threatens the entire community of homes.

The first responder's attempts to douse the car fire, only make it worse! Water, it turns out, makes lithium ion batteries explode all over again. The car has been filled with a type of battery that mere

Page 29 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

bumps, and water, can cause to explode. Let me repeat this for emphasis: WATER MAKES LITHIUM ION BATTERIES EXPLODE. Not only does water **not** put out lithium ion fires, IT MAKES THEM WORSE!

Hours later, after the car has burned itself out, the first responders try to recover the body.

The problem is, they can't recognize a body. The driver has been burned into an unrecognizable lump of melted plastic, molten metal and human flesh.

His lovely drive down the coast ended in a horror as awful as any nightmare midnight movie.

So this use, of this battery, in this way, was decided by the very Senators and billionaire campaign investors who owned the stock in this battery. If you wonder why a deadly choice, like this, was made about a battery that already had all of these dangers fully documented, on federal record; the answer can be found in one word: Corruption.

This massive oversight, putting the public at such risk, took place because a kick-back scheme was created by Mr. Musk, and his campaign finance partners. They chose greed, over scientific facts. Those chose mining commodity deals, and expediency, over proper engineering. They chose corruption, over anything else.

So, when you buy a Tesla, you need to think about your own safety and the safety of the American political system. Consider not supporting corruption and consider supporting the safety of yourself and your family: Buy an Audi!

Why do you think the mainstream media never covers these dangers about Tesla? Because the editors of the “Mainstream Media” are controlled by Silicon Valley.

“Elon Musk is a criminal and a racketeer”

Op-Ed- By Lee Van Steiner

If you hear that phrase and you suddenly turn your brain off and think to yourself: *“I don't want to hear that because either; A. I bought into Musk's hype and now I feel stupid or; B. the mainstream media told me that Musk is someone I should worship and it makes me feel stupid to find out he was a sham...”* or both, then get over it.

A bunch of media hype told the public that Al Capone, Bernie Madoff and Enron were cool before the truth came out. Live and learn.

Page 30 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

The Wall Street Journal just said: *“Tesla is a soft budget constraint company in two ways. It gets plenty of revenue indirectly as result of government policy (consumer tax rebates, fuel mileage credits, HOV permits), not to mention directly in the form of loan guarantees, corporate tax abatements, etc. But Tesla also gets considerable funding from repeated sales of stock to the public. Though its Wall Street cheerleaders don’t emphasize its dependence on political favoritism, Tesla’s own disclosures are required to be more candid. Keeping investors giddy about Tesla’s prospects therefore implicitly means reassuring them that Tesla will continue to attract the political patronage that has sustained it so far.”* This means, in normal language that Musk is running a scam and he is using the taxpayers hard-earned money to operate his shell game.

“With enough government handouts, a car company never has to break even” Says the Wall Street Journal. This means that Musk and his Silicon Valley Mobsters are running a Bernie Madoff-style ponzi scheme where they bribe politicians, get huge government hand-outs, use those hand-outs to pump the stock market with fake valuations, skim those sudden stock perks and then do it all over again. Wash-Rinse-Repeat; except their dirty laundry just keeps getting dirtier.

Elon Musk is an absolute crime-ster who pays PR agencies to post self-aggrandizing glory Op-Eds about himself in every major city in the world and on Twitter, Google and Facebook around the clock. As his rockets and cars explode into flames over-and-over, and volumes of evidence against him pile up, it is hard to imagine that anyone but the utterly clue-less could still think Musk is not an epic crook. He is the wolf in sheep’s clothing. He is a felon. The FBI, SEC, FTC, and most major regulators, have received hard copies of this fact for many years. When will they commit to the arrest of Musk? Probably when we finally get a new President whose West Wing is no longer running cover for Musk’s crimes, dirty overseas mining deals, “donations”/bribes and market rigging!

Tesla Motors and the Road To Corruption

By Amy Landin- Washington Digital Review

It began as an idea by a couple of guys (none of whom were Elon Musk) who wanted to stiff it to the petroleum industry. It ended with political crime, corruption and the theft of tens of billions of taxpayer's dollars.

Jason was a junior level accounting major at Georgetown University. He had been recruited by Lachlan Seward, the loan program coordinator for the United States Secretary of Energy: Steven Chu. Jason thought that his low pay would yield big resume points, because, on this late October evening, he was going over the use of funds for a twenty five billion dollar “special” government fund. It was “big ticket” project and he knew he would be able to impress Wall Street, when he went job hunting at the end of this internship.

Page 31 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

There was one problem, though, as he poured over the papers spread across the conference table on the upper floor of 1000 Independence Avenue, in the U.S. capital.

As he looked at the figures in front of him, again, he had a shiver go up his spine.

It wasn't excitement, it wasn't anticipation, It wasn't the chill of the office. He was beginning to think that something was horribly, horribly wrong.

The problem was, he just realized he was being ordered to arrange the materials in order to hand the taxpayer money over to the least qualified applicant. Additionally, the least qualified applicant was best friends with, and helped nominate, Secretary of Energy Steven Chu.

The applicant was Tesla Motors.

Nearly a billion dollars of taxpayer money has been spent on media hype about Tesla Motors and Elon Musk. Almost the full extent of that media smoke-screen, and Internet search engine rigging obfuscation effort, has been dedicated to keeping the public from finding out the truth about Tesla Motors.

Tesla was started by a couple of tech nerds who really hated oil companies. It labored for a number of years with little to show. Elon Musk then showed up, to run a hostile take-over of Tesla, and threw the founders out, during some very nasty lawsuits in which Tesla founder: Martin, accused him in court papers, and blogs, of being a fraud and a weasel.

Musk, and his Silicon Valley Cartel, had figured out a way to monopolize lithium mining deals in Afghanistan, and other war-profiteered regions. He had hooked up with Senator's Feinstein and Reid, via some spectacularly crooked insider stock, real-estate and supplier contract kick-back schemes, in order to grease the skids for a business conglomerate based on government hand-outs.

The \$25 billion dollars had come from the U.S. taxpayers under a law called the Section 136 law. It was no ordinary pig trough bill. It had restrictions which, if violated, would meet the legal requirements of a felony-grade crime. John Doerr, Eric Schmidt and Elon Musk had crafted the schemed up portion of the Section 136 Advanced Technology Vehicle Manufacturing fund. It It was rigged to put tens of billions of taxpayer dollars right in their pockets, via an elaborate smoke-and-mirrors scam.

What Jason was looking at showed, in a side by side shoot-out, with all 200+ applicants, that Tesla Motors, compared to all others, was not only the least qualified but was in violation of the very law that operated the fund. Additionally, Tesla's investors were campaign financiers, and they had been demanding that the applicants who competed with them, get “nixed”.

The documents and the Treasury, SEC and GAO reports seemed to indicate that something was wrong in Tesla-land.

The law said that the applicant must use existing factories: Tesla was applying to build new real estate

Page 32 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

in order to benefit Diane Feinsteins husband's realty holdings.

The law said that the applicant must **not** be on the verge of bankruptcy yet Elon Musk had told Energy Department executives that Tesla would go bankrupt without the cash. Musk later confessed to this in on-camera interviews.

The law said that Tesla must comply with NEPA non-toxicity rules yet the Tesla factories were known to emit cancer-causing materials and had killed thousands of workers in China. Additionally, a plan to build a Nevada Tesla battery factory was found to be so toxic that it could kill entire towns from the toxic run-off. Additionally, disposal of Tesla batteries creates a domestic toxic dump as bad as Three Mile Island.

The law said that the money must be used to create U.S. jobs, yet Tesla was planning on (and, in fact, did) hiring a large number of H-1B off-shore workers.

The law said that the awardee had to pay an awarding fee. Tesla never paid the fee and their staff even bragged about the waiver in a public presentation.

The law said that the awardee had to have a factory-ready design. During the entire time of Tesla's application; not only did they not have any design but they used the money they got from the taxpayers, to start from scratch and figure it out. Their submitted napkin design was \$100,000.00 over-budget PER CAR, during the DOE application period time. Nothing in the DOE Tesla application technical design “rough idea” has any resemblance to the car that actually emerged from the “factory”.

Outside of the Section 136 law, federal criminal law says that you must not bribe politicians to get awarded federal money. Tesla has been shown to have bribed the very politicians that awarded the taxpayer cash.

The section 136 law said that the applicant must have a top-level “debt ratio”. A debt ratio is how much money has been dumped into a company vs. the likelihood of paying all of the investors back. Tesla had THE WORST DEBT RATIO of all 200+ applicants. In other words, based on Treasury investigators analysis: Tesla had burned up so much money, with so little potential, and so little volume demand, that the ability to survive was almost nil. Department of Energy staff, who were, exclusively, hand-holding Tesla through the DOE program, helped arranged for a Detroit car company to temporarily acquire some Tesla stock in order to help Tesla fudge their book-keeping, so that the debt-ratio would falsely appear to balance just long enough for the award of taxpayer cash to be issued. Most of Tesla's main sales were to it's own investors and political fan-boys, in order to inflate order reports.

Tesla's application promised to sell at least 200,000 cars by 2012. In fact Tesla, as of today, has barely sold a tiny fraction of that number, after missing every milestone in it's original application, and after wasting more money, per car, than any other car maker in manufacturing history.

These violations of the rules of the programs, the laws of the nation and the realms of morality went on and on. The list was long. Jason was now sweating.

Page 33 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Here was a company that appeared to be a total sham. It was a hyped up, internet-buzz calculated, stock market skim machine. It's supporters were the leaders in the use of "Flash Boy" stock market manipulation algorithms. Tesla shared the same plot of land with another company, which involved most of the same people. That other company was the soon-to-be-FBI-raided SOLYNDRA.

What was Jason going to tell his boss at The Department of Energy? He visualized his career swirling around the rim of a toilet bowl as he tried to form the words, in his mind, to tell his boss that the applicant, called Tesla Motors, was a stink bomb.

Jason never got to have that meeting with his boss. The next day the Department of Energy controller, who sat in between the boss and Jason, took the briefing from Jason. He complimented Jason on his excellent work but said that he would handle the revelation with the boss.

Not that many weeks later, Jason was shocked to see Steven Chu on CNN announcing the award of the vast sums of the taxpayer cash, via the \$25 Billion dollar "special fund" to Elon Musk and Tesla Motors.

What had happened?, he wondered. What could have erased a volume of dark revelations from review? Having not yet heard of "Lois Lerner" or the "Hillary Email Caper" yet, he could not imagine what had gone sideways.

He made his way, with urgency, to the controller's office, where he had first disclosed his findings. The controller looked up as he walked in, gave a commiserating expression and simply said..." ...I know, how you must feel about now.."

"There is nothing you can do except forget that this ever happened. We got a memo. This memo! (he held a piece of paper up, facing away from Jason). "I can't ever show it to you, but it is a game-changer."

Jason saw the memo, lit from behind, as the controller held it, facing away from Jason, but back-lit by the setting sun. It had a very distinct blue circular logo, at the top, and a watermark that is like no other in the world.

The White House had ordered the wave-through of their campaign financier's company despite all of the known false-hoods, misdeeds and out-right lies that Tesla had engaged in.

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<http://lithium-ion.weebly.com>

Page 34 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

<http://bookoftesla.weebly.com>

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<http://obamaandme.weebly.com>

<http://paybackpolitics.weebly.com>

<http://corruptiondc.weebly.com>

<http://venturecapitalcorruption.weebly.com>

<http://greencorruption.blogspot.com>

<https://www.indybay.org/newsitems/2015/10/20/18779080.php>

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nbcbayarea.com/news/local/Mexican-Cartel-Links-to-Silico...

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sanfrancisco.cbslocal.com/2014/04/25/silicon-valley-drug-bust-shows...

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nytimes.com/2014/03/01/technology/engineers-allege-hi...

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news.investors.com/ibd-editorials/060515-756051-elon-musk-ma...

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latimes.com/business/la-fi-hy-musk-subsidies-20150531...

The Tesla Fraud – LewRockwell.com But that doesn't mean we won't continue to be forced to “help” **Elon Musk** ... monuments to **crony** ... The argument is that each Tesla built with these **kickback** ...

lewrockwell.com/2015/02/eric-peters/the-tesla-fraud/

Nevada, Taxes, Elon Musk, CronyCapitalism and Jobs – WSJ Nevada,

Page 37 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Taxes, **Elon Musk, Crony** Capitalism and Jobs I would advise Mr. **Musk** that politicians love you until you've given them what they want.

[wsj.com/articles/nevada-taxes-elon-musk-crony-cap...](https://www.wsj.com/articles/nevada-taxes-elon-musk-crony-cap...)

Elon Musk: Objectivists' Dream or Just Another Crony – Galt's. **Elon Musk:** Objectivists' Dream or Just Another **Crony – Galt's** Gulch

galtsgulchonline.com/posts/a67d21/elon-musk-objectivists-dream...

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redstate.com/2015/03/05/elon-musk-apparent-regrets-13t...

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frontpagemag.com/2013/dgreenfield/top-obama-crony-capitali...

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davidstockmanscontracorner.com/elon-musk-4-9-billion-crony-capitalist-mo...

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foreconomicjustice.org/14614/elon-musk-4-9-billion-crony-capital...

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againstcronycapitalism.org/2013/05/tesla-motors-big-shot-elon-musk-t...

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Tax Breaks, Then Moves SpaceX Operations ... Having played the Golden State for SpaceX **crony** capital “goodies,” **Elon Musk** seems to ...

[breitbart.com/california/2014/08/06/elon-musk-plays-cal...](https://www.breitbart.com/california/2014/08/06/elon-musk-plays-cal...)

[Elon Musk | Stop Crony Capitalism](#) Stop **crony** capitalism! tw FB. **Elon Musk**. June 5, 2015. Stop Betting on the Come – Subsidies Not the Answer.

nocronycapitalism.org/blog/elon-musk

[Jason Mattera Exposes Crony Crapitalist, Tesla CEO Elon Musk](#)

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dailysurge.com/2014/10/business-insider-covers-crony-cra...

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googlespieson.wordpress.com/2015/06/11/inside-the-washington-terminat...

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forbes.com/sites/timworstall/2015/02/09/elon-musk-ha...

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Billionaire tech mogul and pop technologist **Elon Musk** says none of the taxpayer incentives his businesses receive are necessary, “but they are all helpful.”

[conservativehq.com/category/tags/Elon Musk](https://conservativehq.com/category/tags/Elon%20Musk)

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Angelgate is a controversy surrounding allegations of price fixing and **collusion** among a group of ten angel investors in the San Francisco Bay Area.

en.wikipedia.org/wiki/Angelgate

[Collusion Charges Still Linger Over ‘AngelGate’ – CBS News](#) The latest Silicon Valley online guessing game: Was price-fixing on the menu when a group of high-profile tech investors met recently at a downtown San Francisco ...

cbsnews.com/news/collusion-charges-still-linger-over-...

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Page 39 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

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pehub.com/2010/09/angelgate-is-“100-percent-accurat...

Investors deny ‘Angelgate’ collusion – San Francisco Business ... TechCrunch editor Michael Arrington shocked readers Tuesday afternoon by accusing an unnamed group of “ten or so” prominent early stage technology investors — so ...
bizjournals.com/sanfrancisco/blog/2010/09/angelgate.html

So A Blogger Walks Into A Bar... | TechCrunch So A Blogger Walks Into A Bar ... **Collusion** and price fixing, ... Rage. **AngelGate** Is Far From Over; Ron Conway Drops A Nuclear Bomb On The Super Angels ...
techcrunch.com/2010/09/21/so-a-blogger-walks-into-a-bar/

Crooked Angels: Blogger Accuses Top Tech Investors of .. “If there are any **collusion** efforts among angel investors, then it would be a huge public service to expose the **collusion** and get it to stop.”
dailyfinance.com/2010/09/22/angelgate-arrington-top-tech-i...

Super Angel collusion | Pearltrees Here’s Who Was At That Secret Valley Super-Angel **Collusion** Meeting. Hooray For Mike Arrington. ... **AngelGate** Is “100 Percent Accurate,” Says Michael Arrington.
pearltrees.com/PED/super-angel-collusion/id1429174

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Angelgate – Analysis & Opinion | Reuters **Angelgate.** By Felix Salmon. September 22, 2010. ... It is a market where the investors wish they could inject some **collusion**. But they can’t and they won ...
blogs.reuters.com/felix-salmon/2010/09/22/angelgate/

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thenewsdaily.org/venture-capital-racketeering-angelgate/

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businessinsider.com/angel-collusion-scandal-mike-arrington-20...

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nymag.com/daily/intelligencer/2010/09/techcrunchs_m...

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dailyfinance.com/2010/09/24/angelgate-ron-conway-rips-desp...

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bloomberg.com/bw/technology/content/oct2010/tc2010107_1...

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latimesblogs.latimes.com/technology/2010/09/angelgate-disrupts-tec...

The Daily Start-Up: “AngelGate” Escalates – Venture Capital Dispatch... And the “**AngelGate**” flap won’t die. Arrington blogged about it, alleging angel **collusion**. Now angel Ron Conway, who wasn’t at the meeting but whose SV Angel partner David Lee apparently was...

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scripting.com/stories/2010/09/24/angelgateInANutshell.html

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payne.org/blog/angelgate-symptom-or-problem/

"AngelGate" – Who Really Has the Power? – 3Q Digital So today **AngelGate** may be a big deal, but in the long run it won't amount to much – the power is shifting to the entrepreneur, and no amount of **collusion** from angels or VCs can stop that.

3qdigital.com/analytics/angelgate-who-really-has-the-po...

The Daily Start-Up: "AngelGate" Escalates – RPI Engage | Forum The Daily Start-Up: "**AngelGate**" Escalates. Posted by Remy Arteaga on September 24, 2010 at 10:55am in News. Arrington blogged about it, alleging angel **collusion**.

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ventureengine.lk/pdf/How do angel investors gain traction...

What Entrepreneurs Should do about Price Fixing We all know about **AngelGate** by now. As a funny coincidence I happen to have written about the topic of **collusion** 3 weeks prior to the fateful dinner.

bothsidesofthetable.com/2010/09/23/what-entrepreneurs-should-do-a...

...angel meetup at Bin 38 with everyone but @Arrington #angelgate.. Attend the secret super angel meetup at Bin 38 with everyone but @Arrington #**angelgate**. "i missed this meeting, can it turn into a monthly entrepreneur **collusion** meeting?"

plancast.com/plan/110971

BoomTown Decodes Conway's Super Angel Email to Fellow Investors.. Dave "Sue Sylvester" McClure uses his bullhorn blog to call foul about a not-naming-names-but-still-really-mad-as-hell story of **collusion** by that creepy kid from the school newspaper who wants to...

allthingsd.com/20100924/boomtown-decodes-ron-conways-sup...

Tagxedo, word cloud with styles Michael Arlington of TechCrunch broke a very colorful story yesterday, now known as **Angelgate**, about a secret super-angel meeting that he crashed. In his blog, Arlington accused the angels of **collusion**...

blog.tagxedo.com/page/3

[Fire in The Valley, Fire in My Belly... and Yes, Mike, I Have Stopped...](#)

Heh, whether **AngelGate** is true or not, we live in a Goldman Sachs/BP world. I don't think you'd ever wade into **collusion**. But, how'd you feel about a group of VCs gathering before the next round?

500hats.typepad.com/500blogs/2010/09/fire-in-the-valley.html

If the Tesla D's Such a Great Car... | The American Spectator Why **Crony** Capitalism Gives the Free Market a Black Eye. Gary Shapiro. Nation's Largest Nuclear Power Plant Operator Seeks State Subsidies ...

spectator.org/articles/60703/if-tesla-d-s-such-great-car...

Elon Musk, Grabby Crony Capitalist – LCT Magazine **Elon Musk**, Grabby **Crony** Capitalist. Posted on March 26, 2015 by Martin Romjue – Also by this author. Post a comment | Comments 0 | Welcome to ...

lctmag.com/blogpost/293782/elon-musk-grubbing-crony-...

Elon Musk, the ultimate entrepreneur in a **Crony Capitalist** **Elon Musk** is truly a brilliant entrepreneur; initial co-founder of Paypal, visionary founder of SpaceX and now Tesla motor cars. I met Mr. **Musk** back in my Air Force ...

bereansatthegate.com/elon-musk-the-ultimate-entrepreneur-in-a-...

Elon Musk Gets Government Loans, Buys \$17 Million House We live in the gilded age of **crony** capitalism. If you have any doubt about that fact look no further than **Elon Musk's** purchase of a \$17 million mansion in Bel Air ...

breitbart.com/big-government/2013/01/15/elon-musk-poste...

Elon Musk's growing empire is fueled by \$4.9 billion in .Los Angeles entrepreneur **Elon Musk** has built a multibillion-dollar fortune running ... SpaceX has won more than \$5.5 **billion** in government contracts from ...

latimes.com/business/la-fi-hy-musk-subsidies-20150531...

Elon Musk: Government's \$5 Billion Crony Kick-back Man – Nevada News and Views **Musk** is one of the hottest CEOs in the country, and Tesla stock has been a strong performer. But one key to **Musk's** success is that his companies have, according to ...

nevadanewsandviews.com/elon-musk-governments-5-billion-man/

Elon Musk: Government's \$5 Billion Man Capitalism 2015: In corporate finance today, the theme is Go where the money is. For **Elon Musk**, CEO of Tesla, SolarCity and SpaceX, the place to hunt for cash isn't ...

[snewsi.com/id/15215262069/Elon-Musk-Governments-\\$5-B...](http://snewsi.com/id/15215262069/Elon-Musk-Governments-$5-B...)

Elon Musk: Government's \$5 Billion Man –Breaking News. VIDEO... SOLDIER WHO KILLED 16 AFGHANS SAYS HE WAS 'CONSUMED BY WAR'... American Pharoah becomes 1st Triple Crown winner in 37 years

konservativekartel.com/elon-musk-governments-5-billion-man/

The Techtopus: The Silicon Valley Wage Suppression Cartel (w Matt & Michael hosted Pando Daily Senior Editor Mark Ames who explains the origins of the **SiliconValley** wage suppression **cartel**, how

Page 44 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

George Lucas helped ...

youtube.com/watch?v=bVhXTMpP-d0

The Silicon Valley wage suppression conspiracy The **cartel** firms can also afford to pay you a more, ... **Silicon Valley** employers need to do whatever is necessary to stay the engine of innovation for the ...

marginalrevolution.com/marginalrevolution/2014/03/the-silicon-valley-wage-suppression-conspiracy/

The Techtopus: How Silicon Valley's most celebrated CEOs In early 2005, as demand for **Silicon Valley** engineers began booming, Apple's Steve Jobs sealed a secret and illegal pact with Google's Eric Schmidt to ...

pando.com/2014/01/23/the-techtopus-how-silicon-valley-s-most-celebrated-ceos/

The Friday Roast – Silicon Valley's despicable wage cartel Some of **Silicon Valley's** best known names, Apple and Google among them operated a wage **cartel**. Now they're being punished.

diginomica.com/2014/08/15/friday-roast-silicon-valleys-despicable-wage-cartel/

Taxi industry piles on 'Silicon Valley cartel' | **Capital New York** In recent weeks, the San Francisco-based taxi app called Lyft has been trying to launch in the New York City market, so far without success. State and city officials ...

capitalnewyork.com/article/city-hall/2014/07/8549483/taxi-industry-piles-on-silicon-valley-cartel/

Silicon Valley workers may pursue collusion case as group Jan 14 Roughly

60,000 **Silicon Valley** workers won clearance to pursue a lawsuit accusing Apple Inc, Google Inc and other companies of conspiring to drive ...

reuters.com/article/2014/01/15/siliconvalley-collusion-workers-sue-apple-google-idUSKBN0H12120140115

Secret anti-labor cartel alleged in Silicon Valley | **www.ajc.com** Secret anti-labor **cartel** alleged

in **Silicon Valley**. Posted: 2 ... in lost income for some 100,000 **Silicon Valley** engineers whose salary was ...

The Bright Automotive Case

The letter from the company explains things well:

Page 46 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District



February 28, 2012

Secretary Steven Chu
U.S. Department of Energy
Washington, D.C.

Dear Secretary Chu,

Today Bright Automotive, Inc will withdraw its application for a loan under the ATVM program administered by your department. Bright has not been explicitly rejected by the DOE; rather, we have been forced to say "uncle". As a result, we are winding down our operations.

Last week we received the fourth "near final" Conditional Commitment Letter since September 2010. Each new letter arrived with more onerous terms than the last. The first three were workable for us, but the last was so outlandish that most rational and objective persons would likely conclude that your team was negotiating in bad faith. We hope that as their Secretary, this was not at your urging.

The actions – or better said "lack of action" -- by your team means hundreds of great manufacturing and technical jobs, union and non-union alike, and thousands of indirect jobs in Indiana and Michigan will not see the light of day. It means our product, the Bright IDEA plug-in hybrid electric commercial vehicle, will not provide the lowest total cost of ownership for our commercial and government fleet customers, saving millions of barrels of oil each year. It means turning your back on a bona fide step forward in our national goal to wean America away from our addiction to foreign oil and its implications on national security and our economic strength.

In good faith we entered the ATVM process, approved under President Bush with bi-partisan Congressional approval, in December of 2008. At that time, our application was deemed "substantially complete." As of today, we have been in the "due diligence" process for more than 1175 days. That is a record for which no one can be proud.

We were told by the DOE in August of 2010 that Bright would get the ATVM loan "within weeks, not months" after we formed a strategic partnership with General Motors as the DOE had urged us to do. We lined up and agreed to private capital commitments exceeding \$200M – a far greater percentage than previous DOE loan applicants. Finally, we signed definitive agreements with state-of-the-art manufacturer AM General that would have employed more

Page 47 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

than 400 union workers in Indiana in a facility that recently laid-off 350 workers. Each time your team asked for another new requirement, we delivered with speed and excellence.

Then, we waited and waited; staying in this process for as long as we could after repeated, yet unmet promises by government bureaucrats. We continued to play by the rules, even as you and your team were changing those rules constantly – seemingly on a whim.

Because of ATVM's distortion of U.S. private equity markets, the only opportunities for 100 percent private equity markets are abroad. We made it clear we were an American company, with American workers developing advanced, deliverable and clean American technology. We unfortunately did not aggressively pursue an alternative funding path in China as early as we would have liked based on our understanding of where we were in the DOE process. I guess we have only ourselves to blame for having faith in the words and promises of our government officials.

The Chairman of a Fortune 10 company told your former deputy, Jonathan Silver, that this program “lacked integrity”; that is, it did not have a consistent process and rules against which private enterprises could rationally evaluate their chances and intelligently allocate time and resources against that process. There can be no greater failing of government than to not have integrity when dealing with its taxpaying citizens.

It does not give us any solace that we are not alone in the debacle of the ATVM process. ATVM has executed under \$50 million of transactions since October of 2009. Going back to the creation of the program, only about \$8 billion of the approved \$25 billion has been invested. In the meantime, countless hours, efforts and millions of dollars have been put forth by a multitude of strong entrepreneurial teams and some of the largest players in the industry to advance your articulated goal of advancing the technical strength and clean energy breakthroughs of the American automotive industry. These collective efforts have been in vain as the program failed to finance both large existing companies and younger emerging ones alike.

Our vehicle would have been critical to meet President Obama's stated goal of one million plug-in electric vehicles on the road in 2015 and his commitment to buy 100 percent alternative fueled vehicles for the Federal Fleet. So, we are not the only ones who will be disappointed.

The ineffectiveness of the DOE to execute its program harms commercial enterprise as it not only interfered with the capital markets; it placed American companies at the whim of approval by a group of bureaucrats. Today at your own ARPA-E conference, Fred Smith, the remarkable leader of FedEx, made the compelling case to reduce our dependence on oil; a product whose price is manipulated by a cartel which has caused the greatest wealth transfer in our history from the pockets of working people and businesses to countries, many of whom are not our allies. And yet, having in hand a tremendous tool for progress in this critically strategic battle -- a tool that drew the country's best to your door -- you failed not only in the deployment of funds from ATVM but in dissipating these efforts against not just false hope, but false words.

Page 48 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

For us, this is a particularly sad day for our employees and their families, as well as the employees and families of our partners. We asked our team members on countless occasions to work literally around the clock whenever yet another new DOE requirement came down the pike, so that we could respond swiftly and accurately. And, we always did.

Sincerely,

A handwritten signature in black ink, appearing to read "Reuben Munger".

Reuben Munger
CEO

Mike Donoughe
COO

Page 49 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Bright Automotive was lied to and strung along by the Department of Energy!

The XP Case

As one can see from on of XP Vehicle’s federal anti-corruption lawsuits, crony politics and dirty insider deals are the mainstay of Department of Energy and White House quid pro quo.

In an article in a top Washington DC newspaper, we learn:

A case study in pay-to-play cronyism

By Dan Epstein

“News flash: Government subsidies and special-interest favors go hand in hand.

The latest example comes from a federal green-energy loan program. Last month, the DC District Court ruled that Cause of Action, where I am executive director, can proceed with a lawsuit against the Department of Energy. We’re suing the federal government for the blatant political favoritism in its \$25 billion “Advanced Technology Vehicle Manufacturing Loan Program.”

In principle, this taxpayer-funded program was supposed to support the manufacture of energy-efficient cars. In practice, it rewarded a select few well-connected companies.

Since the program was created in 2008, numerous businesses have applied for its taxpayer-backed financial support. Yet only a small number were approved. Among the lucky few were two electric car manufacturers: Tesla and Fisker.

Both companies’ political connections run deep, especially Tesla’s. The company’s founder, Elon Musk, was a max donor for President Obama. One of its board members, Steven Westly, was appointed to a Department of Energy advisory board. And another Obama bundler, Tesla investor and adviser Steven Spinner, secured employment in the department’s Loan Program Office—the very office that gave the company a taxpayer-backed loan.

Fisker also has friends in high places. The company, which has since gone bankrupt, was backed by a San Francisco venture capital firm whose senior partners donated millions to the 2008 Obama campaign and other Democrat causes. One partner, John Doerr, parlayed his support into a seat on the President’s Council of Jobs and Competitiveness.

Page 51 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Such connections can allow a company to exert political pressure to enrich itself. Unsurprisingly, Department of Energy emails show that such pressure was rampant in its loan programs.

There's no shortage of examples. The department's leaders—including then-Secretary of Energy Steven Chu—repeatedly promised to deliver results to politicians like Rep. Steny Hoyer (D-Md.) and Sen. Harry Reid (D-Nev.). [One email reads](#), “DOE has made a political commitment” to approve a company's loan. Another says the “pressure is on real heavy” from none other than Vice President Joe Biden. And still [another shows](#) an employee asking, “what's another billion anyhow?”

Unsurprisingly, the Obama administration gave Tesla and Fisker preferential treatment, and then some.

The Department of Energy revised its review process in order finish the companies' applications faster. The government [gave them extraordinary access](#) to its staff and facilities—even to the point of having government employees personally walk them through the loan application and approval process. The department ignored its own lending rules in order to approve the companies' loans. And it [renegotiated the terms of some loans](#) after the companies could not keep their original commitments or were experiencing financial difficulties. Tellingly, Fisker has since gone out of business, despite receiving over a billion dollars in loans through this federal program.

Now contrast this preferential treatment with what happened to XP Vehicles and Limnia, neither of which have the same political connections. (My organization is suing the Department of Energy on their behalf). The two companies partnered to manufacture an energy-efficient sport utility vehicle that would have competed with Tesla and Fisker's cars. They applied for loans in 2008 and 2009 under the same loan program.

The department refused them both—and it used bogus reasons to do so.

For starters, the department made claims that were laughably false. To take one example: It rejected XPV's application because [its vehicle was powered by hydrogen](#). It was an electric SUV. It also raised objections that it didn't raise with other companies whose applications were approved. For instance: The bureaucracy [criticized](#) the proposed all-electric vehicle for not using a specific type of gasoline. Yet Tesla and Fisker received the loans despite producing similar all-electric cars.

In light of these obvious problems and hypocrisy, both companies presented the Department of Energy with detailed rebuttals. Yet the government failed to respond. To this day, both XPV and Limnia are awaiting a satisfactory reply. In the meantime, [XPV has gone out of business](#), unable to compete against its politically connected—and subsidized—rivals.

This casts the Department of Energy's loan program in a new light. It was sold to the American public as a means of promoting energy-efficient vehicles. Instead, it was used to benefit a select few well-connected companies. It was a blatant crony handout, paid for by the U.S. taxpayer.

Page 52 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Sadly, similar examples are widespread in Washington. That’s no surprise considering the feds spend roughly \$100 billion a year in taxpayer-funded handouts to businesses. This breeds the sort of government-business collusion Americans think is rampant in Washington. In fact, over two-thirds of likely voters think the federal government helps businesses that hire the most lobbyists, shake the right hands, and pad the right pockets. They’re right.

This points to a simple conclusion: Politicians and bureaucrats shouldn’t use the public’s money to pad private companies’ bottom lines. As the Department of Energy’s green-vehicle loan program shows, the capacity for corruption is immense—and inevitable.”

One of the lawsuits explains further. In it, the courts see that: “...(“Limnia”) and its advanced technology vehicle manufacturing sister company called XP Vehicles, Inc. (“XPV”) sued the Defendant: The Department of Energy; for corruption, payola, quid pro quo and reprisal attacks for reporting the corruption. Limnia and XPV are Silicon Valley-based innovative “green technology” companies.

Further we see, via various legal filings, that:

1 Defendant is THE UNITED STATES DEPARTMENT OF ENERGY (“DOE”), a federal agency.

Jurisdiction and Venue

2 Jurisdiction and venue are pursuant to U.S. Const. Art. III and 28 U.S.C. §§ 1491 and 1498(a).

Facts

Background

3 Pursuant to 42 U.S.C. § 17013, DOE - through Secretary of Energy Steven Chu (“Chu”), Director of Advanced Technologies Manufacturing Loan Programs Lachlan Seward (“Seward”), their staff, advisors and consultants - administered the “Advanced Technology Vehicle Manufacturing Loan Program” (the “ATVM Loan Program”).

4 Congress created the ATVM Loan Program to support the manufacture of advanced technology vehicles and components in the United States and reduce U.S. dependency on foreign oil.

Page 53 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

In 2008, Congress authorized DOE to make \$25 billion in ATVM loans. DOE currently has approximately \$16 billion of unused lending authority.

5 At all times relevant, DOE had actual or constructive knowledge that the ATVM Loan Program evaporated private investment capital for advanced technology vehicle manufacturing and distribution because venture capital and institutional lenders could not compete with government interest and repayment terms (1%-3% and up to 35 years, respectively).

6 Pursuant to 42 U.S.C. §§ 16511 and 16513, DOE - through Chu, Seward, their staff, advisors and consultants - also administered the “\$1703 Loan Guarantee Program” (the “LGP”).

7 Congress created the LGP to support innovative clean energy projects that are typically unable to obtain conventional private financing due to high technology risks by authorizing DOE to guarantee up to eighty percent of a loan for projects that “avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued.” DOE currently has approximately \$34 billion of unused lending authority.

8 Since 2002, Limnia and XPV have collaborated with DOE scientists at Sandia National Laboratory (“Sandia”) and elsewhere on advanced technology vehicle development. Limnia and XPV provided DOE with confidential business information, intellectual property and prototypes of advanced technology vehicle energy storage systems, chassis and body materials and construction, and electronics, and DOE provided Limnia and XPV a grant, technical support and validation services.

XPV’s ATVM Loan Program Application

9 Responding to a DOE solicitation, on November 10, 2008, XPV applied for \$40 million in ATVM Loan Program funds to mass produce an advanced technology, family-friendly SUV-style

Page 54 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

vehicle (“XPV’s SUV”). It offered DOE collateral independently valued at over \$100 million as security for this loan.

10 At all times relevant, XPV had operations, including potential manufacturing facilities, in Detroit (through Roush Automotive and other contract facilities), the San Francisco Bay area, Nevada and Utah.

11 XPV’s team included highly experienced industry sales executives, managers and designers (including the senior creation staff for the Corvette and the Mustang) and aerospace industry professionals. They designed XPV’s SUV to be affordable (less than \$20,000 in its base configuration); to have a virtually unlimited range without the need for either gasoline, garage or extension cords to charge; to recharge rapidly via a “hot-swap” system; to be produced quickly and cheaply by subcontracting existing and underutilized factories, workers and machines; and to be easily repaired.

12 One key innovation, based on a decade of research, was the use of polymer plastics and skinned expanded foam pressure membranes to replace metal doors, body panels, hoods and roofs on a lightweight alloy frame. Consequently, XPV’s SUV could have a curb weight of less than 1,400 pounds (approximately one-third the weight of a Toyota Prius). This design also improved vehicle safety because the foam-skinned polymer membranes functioned as a wraparound, pre-deployed “airbag” to withstand impacts and damp out crash damage.

13 At all times relevant, XPV’s SUV’s critical parts had either been tested or used in industry-proven “off the shelf” applications. For example, the SUV’s pressure membrane body technology was widely used in military applications, aerospace systems, naval and homeland security deployments worldwide, airbags, watercraft, Mars landing equipment and even buildings and arenas.

Page 55 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

14 At all times relevant, XPV was in discussions with private sources of capital including Wells Fargo Bank; developing a distribution network; and otherwise preparing to commence production and sales. XPV's pending customers and financial partners included the Ranson Green Community Development Foundation, ZAP, Detroit Electric, XPV's sister company Limnia and over forty distributors and resellers accounting for potential sales in excess of the first anticipated production run.

15 XPV's ATVM Loan Program application contained confidential and patented business information, as defined by 10 C.F.R §§ 1004.10(b)(4) and (11), and 5 U.S.C. § 552(b)(4), including a solid-state NaALH (aka "NALH") energy storage system and pressure membrane technology, among other things.

16 DOE, in nondisclosure agreements and in consideration for XPV's and Limnia's submission of ATVM Loan Program applications, promised to guard this information from unauthorized disclosure and use, or infringement.

17 DOE also promised to evaluate ATVM Loan Program applications on a "first in, first out" basis; to treat all applicants fairly and to provide a level review using objective published criteria; and to make ATVM Loan Program funds available beginning by the end of December, 2008, but no later than January, 2009, to those who qualified for such funds.

18 On December 2, 2008, DOE acknowledged receipt of XPV's application and requested additional information. *See Exhibit 1.* XPV provided this additional information and on December 31, 2008, XPV's application was deemed substantially complete. DOE said that it would specifically request additional information as needed. *See Exhibit 2.* Upon information and belief XPV's ATVM Loan Program application was among the first deemed substantially complete by DOE.

Page 56 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

19 At all times relevant, XPV qualified for ATVM Loan Program funds under DOE’s published criteria and was in fact deemed a “qualified applicant” by DOE. DOE’s own Excel comparison matrices dated December 29, 2008 and March 2, 2009 placed XPV in the top 5% of all applicants.

20 DOE’s representations and promises led XPV to believe that DOE would began processing XPV’s ATVM Loan Program application upon receipt but no later than the end of December, 2008, and that the review process would take a matter of weeks consistent with normal commercial lending practices and procedures.

21 However, XPV soon found that DOE had reneged on its promises and that DOE’s review was taking months not weeks. Discomfited by DOE’s delay, which blocked private capital loans and investment and prevented production, XPV repeatedly offered DOE engineering, financial and other information to proactively speed and inform the agency’s review.

22 At all times relevant, XPV was unaware both that its ATVM Loan Program application had been “set aside” in favor of applications from politically-connected government cronies and that DOE had “fixed” the ATVM loan process to benefit political donors. XPV also was unaware that DOE had no intention of approving XPV’s ATVM Loan Program application under any circumstances, notwithstanding all of its representations and assurances to the contrary, because XPV competed with government-favored companies. Instead, XPV assumed DOE was acting in good faith, and in accordance with the law, to carry out Congress’s intent by lending up to \$25 billion for the development and production of advanced technology vehicles in the United States to reduce U.S. dependency on foreign oil.

23 On April 23, 2009, Jason Gerbsman, DOE’s Chief of Staff and Senior Investment Officer at the Loan Programs Office Automotive Division notified XPV that:

Page 57 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

[XPV] has submitted a substantially complete application and has been assigned to both a technical eligibility and merit review team, as well as a financial viability analysis team. The technical team is very close to finishing their evaluations on both eligibility and project merit, and the financial team will be launching a more detailed and interactive due diligence phase of the [XPV] application review very soon. Following the technical and financial evaluation under the second stage of the process, we will move into the underwriting phase where our goal is to negotiate a conditional commitment, including a detailed term sheet. This will be followed by the fourth phase of the loan process where the final details will be negotiated and the loan will be closed.

24 On May 26, 2009, Gerbsman offered XPV an in-person meeting to discuss “next steps.”

25 On May 28, 2009, XPV flew a representative from California to meet with Gerbsman.

Gerbsman said that DOE had determined “everything was in order” with XPV’s ATVM Loan Program application; that “everything looked good;” and that XPV “appeared to be fully compliant and passed technical review.”

26 Shortly thereafter, XPV discovered that Tesla Motors, Inc. (“Tesla”) and Fisker Motors, Inc. (“Fisker”) were receiving special assistance from DOE staff with the ATVM Loan Program application process. Fisker was even given extraordinary access to DOE staff time, offices and conference rooms in DOE’s headquarters at no charge. Both Tesla and Fisker were XPV competitors.

27 XPV requested similar assistance from DOE staff but was denied it because, as DOE staff put it, XPV’s application was so good that special assistance was not needed.

28 Notwithstanding DOE’s delays and the bankruptcy of other industry players (due to these companies’ failure to meet consumer needs) XPV continued to grow. On June 15, 2009, XPV informed DOE that it was a semi-finalist in the Forbes “America’s Most Promising Companies List” for that year.

29 On or about June 22, 2009, DOE advised XPV that a Northern California solar energy company called Redwood Renewables (“Redwood”) had requested a copy of XPV’s ATVM Loan Program application from DOE through the Freedom of Information Act (“FOIA”).

Page 58 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

30 XPV contacted Redwood to see why it was interested in XPV's ATVM Loan Program application, and spoke with Redwood's principal, Tom Faust.

31 Faust said that he had been "screwed over" by DOE and had wanted to know if others had similar experiences.

32 Faust said that his company had suffered "bad dealings" with Matt Rogers, a "stimulus advisor" to Chu from McKinsey & Company, and Steven Spinner, a DOE loan program office official. Spinner, an accomplished campaign contribution "bundler" who had raised millions of dollars for the White House, was given this important government position in exchange for his fundraising. Spinner too had worked at McKinsey & Company and, according to a biography posted by the Center for American Progress, was a Tesla advisor and investor.

33 Faust said that Rogers and Spinner were "rigging the game" with respect to all DOE loans. He gave XPV Spinner's personal cell phone number and told XPV to call Spinner and ask why XPV's ATVM Loan Program application had stalled.

34 XPV texted Spinner and then called him. Spinner answered the phone and said words to the effect of "Do not ever call me again. The awards have already been decided."

35 On June 24, 2009, DOE announced \$8 billion in ATVM loans to Ford Motor Company ("Ford"), Nissan North America, Inc. ("Nissan") and Tesla. DOE gave Tesla \$465 million at a rate of 1.6% and on extremely favorable below-market terms to manufacture an expensive electric car targeted at rich actors, media personalities and businessmen, not average Americans.

36 On June 29, 2009, XPV wrote to Gerbsman again asking for action on its ATVM Loan Program application. XPV told Gerbsman that other lenders were hanging back until after DOE issued its term sheets.

Page 59 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

37 Over the next seven weeks, Gerbsman and other authorized DOE representatives repeatedly assured XPV that “everything was fine,” “everything is on-track,” and “you [XPV] appear to meet every criteria” with respect to its ATVM Loan Program application. XPV was even told that “we [DOE] should be able to announce [a loan] any day now...”

38 However, on August 21, 2009, DOE denied XPV’s ATVM Loan Program application. See Exhibit 3.

39 DOE, through Seward, said that XPV’s application was “determined to be eligible” in accordance with the “evaluation criteria” in 10 C.F.R. §611.103 but that DOE was “not in a position to award every eligible application [ATVM Loan Program funds].”

40 DOE said necessity required DOE to “choose applications that are most likely to use [ATVM Loan Program] proceeds in a way that will best achieve the goals of the program” and that XPV’s application was rejected on this basis after a “merit review.” DOE did not disclose the criteria used to weigh competing qualified applications nor explain how or why XPV fell short in the “merit review.”

41 XPV then asked DOE to specify its reasons for denial.

42 In an email to DOE’s Chris Foster, XPV requested DOE’s merit review documents and asked how DOE could reasonably conduct a ten month comparative review of XPV’s ATVM Loan Program application without working with a single company engineer or senior project staff member for even one percent of the time that DOE staff spent with Tesla, Nissan, Ford and/or Fisker (the ATVM Loan Program “winners”) during the same period of time.

43 Foster did not answer.

44 On or about August 26, 2009, XPV called Foster directly and Foster picked up the phone.

Page 60 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

45 Foster told XPV that he would pull XPV’s file and read to XPV the reasons given there for DOE’s denial.

46 Foster said that the file indicated that DOE had denied XPV’s application because XPV’s SUV did not use E85 gasoline; XPV was not planning on building “enough” vehicles; XPV was not planning on government sales; XPV’s electric motors and batteries were too futuristic and not developed for commercial use; XPV’s SUV was a “hydrogen car;” and XPV had underestimated the cost of metal body fabrication.

47 At all times relevant, however, DOE had actual knowledge that the “reasons” it had given for denying XPV’s ATVM Loan Program application were baseless pretexts.

48 First, none of the politically-connected ATVM Loan Program winners used E85 gasoline in all-electric vehicles.

49 Second, XPV’s SUV was designed for fast and inexpensive mass production. This is why it was based on the use of commonly available parts from existing commercial sources with multiple points of supply and why it could be sold at a base price of only \$20,000.00.

50 Third, XPV’s business plan specifically provided for large government and fleet sales. Defendants were aware this plan had been developed by an experienced automotive fleet sales expert responsible for over \$2 billion in sales for domestic automakers.

51 Fourth, XPV’s SUV’s “futuristic” electric motor and battery configuration had been in commercial and government use for decades.

52 Fifth, XPV’s SUV was an electric and not a hydrogen vehicle.

53 Sixth, XPV’s SUV minimized the number of metal parts, using safer and easier to source and fabricate polymers and plastics.

Page 61 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

54 As XPV was explaining to Foster that the “reasons” given for DOE’s denial were actually no reasons at all, Seward entered Foster’s office and directed him to terminate the call. Seward told Foster to advise XPV that it would receive a letter from DOE with respect to its concerns.

55 Despite the passage of weeks, no letter was forthcoming.

56 Therefore, on September 21, 2009, XPV wrote to Chu requesting reconsideration of DOE’s denial of its ATVM Loan Program application. See Exhibit 4.

57 In this letter, XPV demonstrated that the “reasons” for DOE’s denial read by Foster from XPV’s file were false. It asked Chu to explain why DOE staff repeatedly assured XPV that approval would be forthcoming and that no additional information was necessary; to describe the merit review criteria; and to justify why government-crony companies that applied after XPV were reviewed earlier, given the benefit of extensive access to and interaction with DOE staff (a benefit denied to XPV), and then awarded funds.

58 On October 23, 2009, Seward wrote to XPV. See Exhibit 5. He did not answer XPV’s questions to Chu. Instead, Seward attempted to backfill the record with new but equally baseless justifications for DOE’s denial of XPV’s qualified application.

59 To begin with, Seward said that XPV’s application was “deemed Substantially Complete on November 10, 2009.” In fact, XPV’s application had been deemed substantially complete on December 31, 2008.

60 Seward said that the “proposed technology appeared...to be at a development stage and not yet ready for commercialization” and that the “assumption that the vehicle concept would be ready for production in three years” was a “significant weakness” due to the “high level of risk associated with the design.” In fact, XPV’s SUV technology had been used commercially by the U.S.

Department of Defense, NASA and the automobile industry; the politically-connected companies that

Page 62 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

were awarded ATVM Loan Program funds were no further ahead in production than XPV; and elements of XPV’s “high risk design” were already in use by Toyota and Nissan in the retail consumer market worldwide.

61 Seward said “the proposed project’s impact on fuel economy...was determined to be weak.” In fact, non-gasoline powered automobiles were uniformly acknowledged by DOE and other industry experts as the most significant source of fuel economy improvement. And, XPV’s SUV promised even better fuel economy than any of the ATVM Loan Program “winners” (Tesla, Nissan, Ford or Fisker) proposed or actually offers to this day.

62 Seward said “A review of the advanced fuels in your project and the feasibility of that energy source...was questionable.” In fact, the fuels, products and sub parts of the “questionable” energy source are readily available to consumers at REI Sporting Goods, Amazon.com and Safeway supermarkets, among other places.

63 Seward said “A review of the calculations and assumptions supporting your claims for reductions in petroleum use were deemed to be unrealistic.” In fact, XPV’s calculations and assumptions were confirmed by institutional research and white papers from respected government and university agencies.

64 Seward said that XPV’s project “may be commercializable in the future, but is far too early in the development process to qualify” for an ATVM loan. In fact, XPV was at least as far along in the “development process” as Tesla and Fisker, the politically-connected companies funded by DOE.

65 Seward’s letter was the first time any of these issues had been raised by DOE with XPV, notwithstanding ten months of “review” including multiple meetings, phone calls and emails.

Page 63 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

66 Furthermore, not only had DOE never before raised these “issues” with XPV, it had affirmatively declined, over a period of months, to consult with any of XPV’s engineers and denied XPV the “interactive” review that it had promised to give in April, 2009, and that it had in fact given to the politically-connected ATVM Loan Program winners Tesla and Fisker.

67 Critically, DOE did *not* say, in Seward’s October 21, 2009 letter or at any other time, that XPV had offered inadequate security for the ATVM Loan Program funds; that XPV was a repayment risk; that XPV had failed to demonstrate that there was a “reasonable prospect of repayment” of the proposed loan; that XPV had failed to demonstrate it was capable of building, distributing or selling the proposed SUV; or that XPV had failed to demonstrate “financial viability without the loan” as required by law.

68 To this day, neither Foster nor Chu nor Seward nor anyone else at DOE has ever provided XPV with DOE’s “merit review” evaluation records or criteria. DOE has repeatedly refused Freedom of Information Act requests aimed at securing disclosure of these records and criteria.

69 At all times relevant, XPV qualified for the requested ATVM Loan Program funds pursuant to 10 C.F.R. Part 611.

70 At all times relevant, XPV had numerous viable offers from potential investors, manufacturing partners, distributors and customers. However, DOE’s wrongdoing, including its purposeful delay and baseless denial of XPV’s ATVM Loan Program application, denied XPV the benefit of these business opportunities.

Limnia’s ATVM Application

71 Or about February 1, 2009, Limnia applied for \$15 million in ATVM Loan Program funds to produce a “best of breed and state of the art” advanced technology vehicle component energy

Page 64 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

storage system using Limnia’s patented technology. Sandia was designated as a key subcontractor in this effort.

72 On April 10, 2009, DOE denied Limnia’s application on the grounds that the components in question “[did] not appear to be designed for installation in an advanced technology vehicle...” See Exhibit 6. However, these grounds were false and a mere pretext to preserve ATVM Loan Program funds for government-favored companies and/or to protect those companies from competition.

73 On April 11, 2009, Limnia requested reconsideration, reminding DOE the relevant patents stated that the components in question were meant for use in advanced technology vehicles; that Sandia’s vehicle technologies group was the prime subcontractor for the project; and that DOE had funded the technology’s development specifically for such use. See Exhibit 7.

74 On May 13, 2009, DOE again denied Limnia’s application because the components were “not installed in the advanced technology vehicle.” This time, though, it asked for more information. See Exhibit 8. On June 3, 2009, Limnia responded with the requested information. It again requested reconsideration pointing out that the questioned components “*must* be installed prior to use in an advanced technology vehicle and are, accordingly, designed for such installation, and therefore...‘qualifying components.’” See Exhibit 9. DOE never responded to this letter.

75 At all times relevant, Limnia qualified for the requested ATVM Loan Program funds pursuant to DOE’s criteria at 10 C.F.R. Part 611.

Limnia’s LGP Application

76 At all times relevant, DOE recognized that the LGP application fees and process were unduly onerous and burdensome.

Page 65 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

77 On or about February 1, 2009, Limnia participated in a conference call with John Podesta, Chu and Interior Secretary Kenneth Salazar during which Chu said that he felt the LGP fees and process were unduly onerous and burdensome. Chu further promised to waive the application fee.

78 Relying on this promise, Limnia filed a LGP application on or about February 10, 2009, with a cover letter stating that it was Limnia’s understanding DOE had waived the application fee.

79 Limnia heard nothing from DOE until February 26, 2009, the application deadline. On that day, DOE’s Myrtle Gross called and said that the initial application fee of \$18,000 had to be wired by midnight for Limnia’s LGP application to be considered. This was Limnia’s first and only notice that DOE reneged on its promise to waive the LGP application fee.

80 Limnia had the funds to make payment but could not complete the transaction by the midnight deadline. Therefore, it considered the matter as closed.

81 On February 27, 2009, Daniel Tobin, DOE’s Loan Programs Office Senior Investment Officer, called Limnia and said that there were “a few days of flexibility” to send in the application fee and promised to provide wire instructions. Tobin also promised to “pre-review” the application and to call back with feedback for Limnia’s investors.

82 Over the next six weeks, Limnia sent DOE emails and letters, and made phone calls, seeking what Tobin had promised. However, Limnia never heard back from Tobin or anyone else at DOE with wire instructions or the promised pre-review. Instead, on April 9, 2009, DOE dismissed Limnia from the LGP without recourse because of “non-remittance of the required application fee...” See Exhibit 10.

83 Limnia requested reconsideration of this decision, which DOE denied.

DOE’s Cronyism and Program Abuses

Page 66 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

84 Because DOE’s “merit review” criteria and process were so opaque, the taxpayer-funded ATVM Loan Program and LGP became cash cows for government cronies.

85 Politics and political pressure infected these programs, shaping, in whole or in part, the judgment of DOE’s ultimate decision makers including Chu, Seward, their staff, advisors and consultants.

86 In February, 2011, GAO issued an investigative report on DOE’s ATVM Loan Program. See Exhibit 11 “Advanced Technology Vehicle Loan Program Implementation Is Under Way, but Enhanced Technical Oversight and Performance Measures Are Needed,” GAO-11-145 (Feb 28, 2011).

87 GAO found that DOE had made billions in loans without engaging “engineering expertise needed for technical oversight.” As a result, GAO said “DOE cannot be adequately assured that the projects will be delivered as agreed.”

88 Furthermore, GAO found that “DOE has not developed sufficient performance measures that would enable it to fully assess the extent to which it has achieved its...program goals” contrary to sound administrative agency practices.

89 DOE’s irrational failure to employ appropriate engineering expertise for application reviews and its arbitrary and capricious refusal to use objective administrative performance measures facilitated the politicization of DOE’s loan program.

90 In truth, DOE’s ATVM Loan Program was nothing more than a veil for political officials to steer hundreds of millions of taxpayer dollars to government cronies, including Tesla and Fisker.

91 For example, Tesla’s loan of \$465 million, announced on June 24, 2009, was obtained in whole or material part through the efforts and influence of its political patrons.

92 These patrons included Steven Westly, who was a major campaign contributions “bundler” for the White House. Westly’s fundraising bought him special White House access and an

Page 67 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

appointment on a key DOE advisory board. Upon information and belief, Westly sat on Tesla's board from March, 2007, to December, 2009, when DOE gave Tesla \$465 million.

93 These patrons also included DOE's Spinner, whose fundraising had bought him a primary role in DOE's Loan Program Office. Upon information and belief, Spinner was at all times relevant a Tesla investor and advisor.

94 Tesla's patrons' contributions, and the political access secured thereby, were material factors in DOE's favorable treatment of and preferences for Tesla during the ATVM Loan Program application process and in DOE's decision to lend Tesla nearly half a billion taxpayer dollars at highly favorable, below-market terms and rates.

95 Predictably, Tesla's business results have not justified DOE's special favors.

96 For example, Tesla, using taxpayer money to build a luxury vehicle aimed at rich actors, media personalities and businessmen, has repeatedly missed production targets, burned through cash and required DOE to repeatedly renegotiate loan terms to survive.

97 On November 12, 2012, Tesla notified the Securities and Exchange Commission that:

On January 20, 2010, we entered into a loan facility with the Federal Financing Bank (FFB), and the Department of Energy (DOE), pursuant to the Advanced Technology Vehicles Manufacturing (ATVM) Incentive Program. This loan facility was amended in June 2011 to expand our cash investment options, in February 2012 to modify the timing of certain future financial covenants and funding of the debt service reserve account, and in June 2012 to allow us to effect certain initiatives in our business plan. We entered into another amendment with the DOE in September 2012 to remove our obligation to comply with the current ratio financial covenant as of September 30, 2012 and amend the timing of pre-funding the principal payment due in June 2013. Under the DOE Loan Facility, the FFB has made available to us two multi-draw term loan facilities in an aggregate principal amount of up to \$465.0 million. Up to an aggregate principal amount of \$101.2 million had been made available under the first term loan facility to finance up to 80% of the costs eligible for funding for the powertrain engineering and the build out of a facility to design and manufacture lithium-ion battery packs, electric motors and electric components (the Powertrain Facility). Up to an aggregate principal amount of \$363.9 million has been made available under the second term loan facility to finance up to 80% of the costs eligible for funding for the development of, and to build

Page 68 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

out the manufacturing facility for, our Model S sedan (the Model S Facility). Under the DOE Loan Facility, we are responsible for the remaining 20% of the costs eligible for funding under the ATVM Program for the projects as well as any cost overruns for each project. As of August 31, 2012, we have fully drawn down the aforementioned facilities.

98 In other words, Tesla has spent all of the taxpayer funds it was given but it needs new ATVM loan repayment terms because it cannot keep its original commitments.

99 In 2008, Tesla promised to construct a factory in 2009 and then begin mass production of the vehicle known as the “Model S.” On November 7, 2012, it reported delivering a total of 256 such vehicles. Between 2008 and 2012, Tesla sold fewer than 2,500 of its “Roadster” models worldwide. Now, it promises “mass production” of the “Model S” will begin in 2013.

100 Fisker’s ATVM loan of \$528.7 million, announced on September 22, 2009 (approximately one month after DOE rejected XPV’s ATVM Loan Program application), also was obtained in whole or material part through the efforts and influence of political patrons.

101 Fisker’s patrons were John Doerr and the investment firm of Kleiner, Perkins, Caufield & Byers (“KPCB”). At all times relevant, Doerr was a KPCB partner along with former Vice President Al Gore, among others, and KPCB was a Fisker investor. Doerr and his partners donated millions to the 2008 Obama campaign and related Democrat political causes, buying preferential government treatment for their business interests. Among other things, Doerr’s contributions purchased high-level White House access and a seat on the President’s Council on Jobs and Competitiveness.

102 Contributions by Fisker’s patrons, and the political influence secured thereby, were material factors in DOE’s favorable treatment of and preferences for Fisker during the ATVM Loan Program application process and in its decision to lend Fisker over half a billion taxpayer dollars at incredibly favorable rates and terms.

103 Predictably, Fisker’s performance has not justified DOE’s favors.

Page 69 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

104 For example, DOE gave Fisker approximately \$169.3 million for “engineering integration” of a high-cost electric luxury car in Finland, and approximately \$359 million for manufacturing a low-cost plug-in hybrid sedan in the U.S. known as “Project Kx.” See Exhibit 12 “Conditional Commitment Letter by and between United States Department of Energy and Fisker Automotive, Inc. – Execution Copy (September 18, 2009).” DOE committed this money to Project Kx without a seeing prototype or properly verifying Fisker’s engineering, sales and supply chain claims and assumptions. Nevertheless, DOE asserted Fisker’s loan would “create or save about 5,000 jobs” just for domestic parts suppliers” and parroted Fisker’s claim that “up to 75,000-100,000 [Project Kx] vehicles will roll off assembly lines in the U.S. every year beginning in late 2012.”

105 Fisker did not make a Kx prototype available to the public or begin Kx production in 2010.

106 Fisker did not make a Kx prototype available to the public or begin Kx production in 2011, although it promised “mass production” would begin by the end of 2012.

107 On or about February 7, 2012, after Fisker had spent over \$170 million taxpayer funds, DOE froze its credit facility due to many missed deadlines. In June, 2012, Fisker made the Kx prototype available to the public. The “low cost” sedan funded by DOE in 2009 turned out to be a \$55,000 luxury car called the “Atlantic.”

108 DOE had said that 75,000 – 100,000 Fisker Kx cars would be rolling off domestic assembly lines by the end of 2012. On October 18, 2012, Fisker reported that mass production of the “Atlantic,” which still has yet to begin, was delayed until 2014 or 2015.

109 Since 2008, Fisker has sold approximately 1,500 vehicles world-wide. Upon information and belief, the \$170 million of taxpayer money spent by Fisker to date has “saved or created” one hundred or fewer jobs.

Page 70 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

110 In March, 2012, and in response to complaints by Limnia and others, GAO reported on DOE's LGP performance. See Exhibit 13 "DOE Loan Guarantees: Further Actions Needed to Improve Tracking and Review of Applications," GAO-12-157 (March, 2012).

111 GAO found that DOE treated LGP applicants inconsistently, favoring some and disadvantaging others; lacked systematic mechanisms for LGP applicants to administratively appeal its decisions; often ignored its own underwriting standards and skipped review steps; and re-reviewed rejected applications on an ad hoc basis. It also found that DOE's practice of "[o]mitting or poorly documenting reviews reduces LGP's assurance that it has treated applicants fairly and equitably."

112 In October, 2012, emails released by Congress confirmed politics had impermissibly infected DOE's loan programs, and were shaping the judgment of DOE's decision makers with respect to funding determinations. See *e.g.* Exhibit 14 (Email from Jonathan Silver, former Executive Director, DOE Loan Programs Office, to James C. McCrea, DOE LPO credit adviser, dated June 25, 2010, stating "WH wants to move Abound [project] forward. Policy will have to wait..."); Exhibit 15 (Email from James C. McCrea to B. Oakley stating "Pressure is on real heavy...due to interest from VP"); Exhibit 16 (Email from Monique Fridell to Kimberly Heimert, et al. dated May 25, 2010 stating "DOE has made a political commitment to get Unistar through the approval process by 6/15"; Exhibit 17 (Email from James C. McCrea to Monique Fridell dated June 1, 2010 stating "Secretary [of Energy]... is adamant that this transaction is going to OMB by the end of the day Fri if not sooner. Not a way to do things but a direct order").

113 Thus, DOE bent the rules for White House allies such as Sen. Harry Reid and Rep. Steny Hoyer and government cronies received special personal access to high-ranking DOE loan program officials. See *e.g.* Exhibit 18 (Email from James C. McCrea to "barbiar" dated December 5, 2009 stating "[Harry] Reid may be desperate. WH may want to help. Short term considerations may

Page 71 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

be more important than long term considerations and what's a billion anyhow?"); Exhibit 19 (Email from James C. McCrea to Julie Stewart dated May 25, 2010 stating "7th Floor has decided mid June CRB...there has been a commitment from S1 [Secretary Chu] to Steny Hoyer on this. Nothing like over committing and under delivering"; Exhibit 20 (Email from Brightsource Chairman John Woolard, an LGP applicant, to Jonathan Silver, DOE Loan Office Director dated November 10, 2010 stating "Thanks for offering to meet at your house tomorrow morning." Silver replied "Came [sic] anytime. Guest bedroom is ready.")

DOE's Abuse of XPV and Limnia

114 DOE did not review XPV's and Limnia's ATVM Loan Program applications in good faith and in accordance with DOE's regulations, policies and promises. Instead, DOE's decision makers stonewalled XPV and Limnia to benefit Tesla, Fisker and others favored because of their political contributions and connections. This damaged XPV and Limnia severely.

115 To begin with, when DOE "fixed" the ATVM Loan Program and LGP to benefit government cronies, it knowingly and intentionally rendered XPV's and Limnia's ATVM Loan Program and LGP applications futile. Through multiple written and verbal representations from DOE officials and staff with actual and apparent authority to bind the agency, DOE intentionally induced XPV, Limnia and others similarly situated to spend hundreds of thousands of dollars and invest thousands of hours of engineering and professional time on a meaningless snipe hunt.

116 DOE's ATVM Loan Program abuses, including delaying term sheets and wrongly denying loans among other things, hamstrung XPV's and Limnia's ability to raise private capital, to begin production and to sell advanced technology vehicles to customers that were ready, willing, able and eager to buy XPV's SUV.

Page 72 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

117 DOE fixed the ATVM Loan Program and the LGP to protect and advance the business and political interests of government cronies at XPV's and Limnia's expense. For example:

117.a DOE made ATVM loans only to companies with political clout, contributions and influence-peddling patrons.

117.b DOE discriminated among applicants based on political contributions and connections.

117.c DOE: (1) changed the ATVM Loan Program funds distribution date and the "first in, first out" review process to benefit Tesla, Fisker and other politically-connected companies; (2) arranged for Tesla, Fisker and others in the favored class to have their applications reviewed first; (3) arranged for Tesla, Fisker and others in the favored class to receive special favors from DOE officials and unique DOE staff assistance; and (4) arranged for Tesla, Fisker and others in the favored class to be walked through the "review" process, then approved and then given money. However, XPV, Limnia and other similarly situated companies that lacked political connections and political patrons were denied these things, and instead were subjected to pretextual diligence and application reviews. For example, XPV spoke with Carol Battershel, who claimed to be the due diligence technical lead on XPV's ATVM Loan Program application. XPV offered her complete access to company engineers and management to assist the review process. Battershel declined, saying that she had gotten everything she needed "off [XPV's] website."

117.d DOE ignored standard commercial lending procedures and its own rules, guidance and policies - including the use of competent engineers to carry out technical

Page 73 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

review and the consistent application of the same funding criteria to each application – whenever necessary to benefit government cronies.

117.e DOE’s political officials made final ATVM Loan Program and LGP review and funding decisions without material regard for DOE’s published criteria and regulations. For example, in or about October, 2009, XPV and Limnia were told by a DOE contractor that Seward had been angered by XPV’s and Limnia’s public complaints about DOE’s loan program administration and that Seward told his staff in late 2008 that it would be “a cold day in hell before I let them [XPV and Limnia] get any money.”

117.f Notwithstanding billions in lending authority; a Presidential directive to put “one million electric cars on the road;” and multiple qualified applicants (including XPV and Limnia), DOE has not made even one ATVM loan since September, 2009. DOE’s refusal to give effect to Congressional and Presidential directives by making ATVM loans to *all* qualified applicants, up to the limit of the lending authority, is the result of a political determination to protect government favorites such as Fisker and Tesla from competition and not because of merit or other legitimate factors.

117.g Upon information and belief and at all times relevant, DOE “carved out” funds from DOE’s authorized lending authority and “held” same for government cronies who made political contributions; provided political support for and assistance to the Administration; and/or hired political fixers to obtain “top-tier status” and “special relationships.”

117.h DOE repeatedly renegotiated the Tesla and Fisker loans contrary to sound commercial lending practices to avoid political embarrassment and to protect those companies’ political patrons.

Page 74 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

117.i DOE denied XPV's and Limnia's ATVM Loan Program applications on baseless pretexts. These included false XPV application "defects" and the assertion that an energy storage component developed by Limnia with DOE and patented for use in an advanced technology vehicle was, in fact, not an advanced technology vehicle component for ATVM Loan Program purposes.

117.j DOE promised to waive the LGP application fee for Limnia. Hours before the payment deadline, DOE reneged. The next day, DOE contacted Limnia promising to accept late payment. Again, DOE reneged.

117.k DOE hid the "merit review" data, criteria, reviewer identities, reviewer work histories, and other information from XPV, Limnia, all other ATVM Loan Program applicants and the public. This information, if disclosed, would have allowed XPV, Limnia and others similarly situated to evaluate the efficacy and fairness of that review. Instead, DOE has wrongly refused to make this information available.

117.l DOE willfully, intentionally and substantially overestimated government crony company production capabilities and sales performance to justify ATVM Loan Program funding. For example, DOE promised that Fisker alone would have "75,000 – 100,000" ATVM Loan Program-funded cars rolling off of U.S. assembly lines. Paradoxically, DOE denied XPV's Loan Program application because XPV allegedly would not produce "enough" vehicles, yet in 2012, the politically-connected companies funded by DOE, combined, sold fewer than 25,000 advanced technology vehicles nationwide.

118 As a direct consequence of DOE's wrongdoing, broken promises and political cronyism, XPV and Limnia were improperly denied ATVM Loan Program and LGP funds; deprived of an equal opportunity to have their applications judged fairly, on a level playing field and in accordance with law;

Page 75 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

wrongly refused funds that they were entitled to receive under applicable DOE criteria, including 10 C.F.R. Part 610; and prevented from creating good American jobs through the production, marketing and sale of advanced technology vehicles and systems developed in conjunction with DOE's own scientists.

DOE Sells Out Limnia's and XPV's Secrets

119 Limnia and XPV have collaborated with DOE on advanced technology vehicle development for over a decade.

120 Pursuant thereto, they provided DOE with confidential business information, technical documents, software, intellectual property, patented chemistry and devices, and prototypes, among other things (collectively the "Protected Information") relating to advanced technology vehicle energy systems, chassis, body materials and electronics.

121 DOE, in turn, repeatedly promised and agreed to guard the Protected Information from unauthorized disclosure, use and infringement. For example:

1.a On or about March 8, 2002, there was a transfer of Protected Information from Limnia to DOE that was covered by and subject to a non-disclosure agreement of even date.

1.b On or about May 24, 2006, there was a transfer of Protected Information from Limnia to DOE that was covered by and subject to a non-disclosure agreement of even date.

1.c On or about November 10, 2008, there was a transfer of Protected Information from XPV to DOE that was covered by and subject to DOE's promises of ATVM Loan Program application confidentiality.

1.d On or about December 12, 2008, there was a transfer of Protected Information from Limnia to DOE that was covered by and subject to a non-disclosure agreement of even date.

Page 76 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

1.e On or about February 1, 2009, there was a transfer of Protected Information from Limnia to DOE that was covered by and subject to DOE's promises of ATVM Loan Program application confidentiality.

122 At all times relevant, DOE agreed and was obligated to guard and keep confidential the Protected Information and to prevent its unauthorized disclosure, use and infringement. This included the patented NALH energy storage chemistry and pressure membrane technology, among other things.

123 At all times relevant, DOE worked closely with General Motors Company ("GM") on many projects and viewed it as a key government client. GM collaborated and contracted with Sandia on a variety of projects, including advanced technology vehicle energy systems. At all times relevant, DOE was committed to GM's success, even at XPV's and Limnia's expense.

124 On or about September 11, 2008, an XPV representative was invited to tour the Sandia facility. There, in a room where large glove-boxes and chemical testing equipment were used, he saw a table with a presentation that was prepared for another group. On that table were duplicates of an energy system that XPV's sister company Limnia had built, tested, patented and disclosed to DOE.

125 The signs on the table read: "General Motors hydrogen vehicle production system" and "NALH General Motors Reversible Hydrogen Vehicle Energy System built by General Motors and Sandia."

126 At all times relevant, DOE knew that the "NALH" chemistry and the device on the table labeled "built by General Motors and Sandia" were Protected Information given to DOE, and that DOE, in turn, had promised to guard against unauthorized disclosure, use and infringement. In fact, when Sandia scientists Chris Moen and Daniel Dedrick were informed of this discovery, they admitted that there might be "a problem with that" and suggested XPV and Limnia contact GM for a "partnership" so that "there was no acrimony."

Page 77 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

127 At all times relevant, DOE knew that the Protected Information it had given to GM was valuable. As Sandia confirmed on January 6, 2009, the NALH-based energy system was “well situated to exceed the performance of battery systems” and could outperform more traditional advanced technology vehicle batteries “by a factor of 3.” See Exhibit 21 Sandia Memorandum dated January 6, 2009 at 5.

128 Given that there are more than 2800 different potential chemistries that GM and Sandia conceivably could have used for their advanced technology vehicle energy system; that neither XPV nor Limnia had disclosed this Protected Information to GM; and DOE’s close ties with GM and its commitment to GM’s success, DOE is the only likely and plausible conduit through which GM obtained XPV’s and Limnia’s Protected Information.

129 Additionally, upon information and belief, DOE surreptitiously turned over Protected Information on pressure membrane technology and NALH energy system chemistry to the Ford Motor Company (“Ford”).

130 On or about March 12, 2012, Limnia and XPV discovered that Ford had created a “pressure membrane design group” that was developing and had manufactured pressure membrane technology-based seats, seat belts and auto body parts. Upon information and belief, this design group and these products were based on and/or covered by Protected Information given to DOE and that DOE had promised to guard against unauthorized disclosure, use and infringement.

131 On or about December 22, 2012, Limnia and XPV discovered a Ford power point presentation that had been prepared in 2012 for DOE to summarize “Ford/BASF-SE/UM Activities in Support of the Hydrogen Storage Engineering Center of Excellence.” This power point presentation referenced the patented NALH chemistry given by Limnia and XPV to DOE and that DOE, in turn, had promised to guard against unauthorized disclosure, use and infringement.

Page 78 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

132 Given the unique nature of the pressure membrane technology and NALH chemistry; that neither XPV nor Limnia disclosed any Protected Information to Ford; and DOE’s relationship with and political commitment to Ford’s success, DOE is the only likely and plausible conduit through which Ford obtained XPV’s and Limnia’s Protected Information.

Claims for Relief

First Claim for Relief: Breach of Contract (Protected Information).

133 XP repeats paragraphs 1-133.

134 DOE breached its contractual duty to guard the Protected Information from unauthorized disclosure, use and infringement. Instead, DOE disclosed and provided Protected Information to GM and Ford, including NALH energy system and pressure membrane technology.

135 As a result, plaintiff has suffered direct and consequential damages in excess of \$250 million.

Second Claim for Relief: Fifth Amendment Taking (Protected Information).

136 XP repeats paragraphs 1-136.

137 DOE has taken plaintiff’s property (i.e. the Protected Information), valued in excess of \$200 million, without paying compensation in violation of the Fifth Amendment of the U.S. Constitution.

Third Claim for Relief: 28 U.S.C. § 1498(a) Damages (Protected Information).

138 XP repeats paragraphs 1-138.

139 The NALH energy system given by Sandia to GM, and the pressure membrane technology apparently given by Sandia to Ford, were both an “invention described in and covered by a patent of the United States.”

Page 79 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

140 These inventions were and are being used or manufactured by or for the United States without license or the lawful right to use or manufacture same.

141 Therefore, plaintiff is entitled to reasonable and entire compensation for such use and manufacture, including reasonable costs and fees for expert witnesses and attorneys incurred in pursuing this action.

Fourth Claim for Relief: Breach of the Duty of Good Faith and Fair Dealing (Protected Information).

142 XP repeats paragraphs 1-142.

143 The nondisclosure agreements between Limnia and XPV, respectively, with DOE contained an implied duty of good faith and fair dealing which obligated the parties not to do anything which would have the effect of destroying or injuring the right of the other party to receive the fruits of their contractual bargain with respect to the relevant confidentiality and non-disclosure provisions of their various contracts.

144 DOE, however, intentionally evaded the spirit of its agreements, willfully rendered imperfect performance, and otherwise acted in bad faith to favor and benefit GM and Ford.

145 DOE's breach of its duty of good faith and fair dealing has caused plaintiff direct and consequential damages, including but not limited to lost profits, exceeding \$250 million.

Fifth Claim for Relief: Estoppel (ATVM Loan Program Applications).

146 XP repeats paragraphs 1-146.

147 DOE promised Limnia and XPV that it would fairly and objectively evaluate their ATVM Loan Program applications and lend funds to qualified companies without regard for political contributions or White House connections.

Page 80 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

148 DOE reasonably expected and intended for Limnia and XPV to rely on these promises and they in fact did so.

149 Both XPV and Limnia were qualified applicants for ATVM Loan Program funding under DOE's applicable criteria, including 10 C.F.R. Part 611.

150 At all times relevant, DOE had the authority, the obligation and more than enough lending authority to fund ATVM Loan Program loans to XPV and Limnia.

151 But DOE's affirmative misconduct as set forth herein to benefit government cronies and/or to punish XPV and Limnia for publically expressing concerns about DOE's administration of its loan programs, XPV's and Limnia's ATVM Loan Program applications would have been granted.

152 DOE is therefore estopped from denying XPV's and Limnia's ATVM Loan Program applications.

Sixth Claim for Relief: Estoppel (LGP Application).

153 XP repeats paragraphs 1-153.

154 DOE, promised Limnia that it would waive the LGP application fee. After DOE broke this promise, it promised that Limnia could pay the fee after the February 26, 2009 deadline and have its application "pre-reviewed" as well.

155 DOE reasonably expected and intended for Limnia to rely on these promises and Limnia in fact did so. It was prepared to pay the application fee and repeatedly requested instructions on how to do so, as well as an opportunity to discuss the "pre-review" DOE promised.

156 However, DOE refused to acknowledge Limnia's communications and rejected Limnia's LGP application without recourse.

Page 81 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

157 This rejection was the result of affirmative misconduct by DOE to protect the interests of government crony companies and/or to punish Limnia for publically expressing its concerns about DOE's loan program administration.

158 DOE is therefore estopped from refusing to accept Limnia's LGP application and obligated to provide an on the merits review independent of political considerations.

Seventh Claim for Relief: Implied-in-Fact Contract (Fair Review of ATVM Loan Program Applications).

159 XP repeats paragraphs 1-159.

160 There was an implied-in-fact contract between both XPV and Limnia with DOE concerning their respective ATVM Loan Program applications.

161 DOE offered and XPV and Limnia each accepted the opportunity to submit these applications.

162 In consideration for these applications, which required XPV and Limnia each to expend substantial sums for accounting, business and technical information, including a National Environmental Policy Act ("NEPA") review, DOE agreed to provide a fair process and a level playing field among all applicants, whether they were politically connected and had made large campaign donations or not.

163 At all times relevant, DOE's representatives had actual authority to bind, and in fact did bind, DOE to this contract.

164 At all times relevant, XPV and Limnia fully performed their contractual obligations.

165 However, DOE breached its contractual obligations by denying XPV and Limnia the fair opportunity and objective review that they had bargained for and DOE had agreed to provide; by skewing, manipulating and fixing the ATVM Loan Program review process to benefit government

Page 82 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

favorites; by wrongly denying XPV's and Limnia's ATVM Loan Program applications; and by favoring political cronies over companies that did not make political contributions or have influential patrons with White House connections.

166 As a result, plaintiff has suffered direct and consequential damages, including but not limited to lost profits, in excess of \$250 million.

Eighth Claim for Relief: Breach of the Duty of Good Faith and Fair Dealing (Implied-in-Fact Contract).

167 XP repeats paragraphs 1-167.

168 The implied-in-fact contracts between XPV and Limnia, respectively, with DOE regarding a fair and level review of their ATVM Loan Program applications contained an implied duty of good faith and fair dealing obligating the parties not to do anything which would have the effect of destroying or injuring the right of the other to receive the fruits of its contractual bargain.

169 DOE, however, intentionally evaded the spirit of this contract, willfully rendered imperfect performance and otherwise acted in bad faith to favor and benefit government cronies by denying XPV and Limnia the funds that they were entitled to receive.

170 DOE's breach of its duty of good faith and fair dealing caused plaintiff direct and consequential damages, including but not limited to lost profits, exceeding \$250 million.

Relief Requested

WHEREFORE XP requests the following relief:

A. Such direct, consequential and punitive damages as it may be entitled to under law, but no less than \$450 million.

B. Reasonable and entire compensation for the use and manufacture of the NALH-based energy system and the pressure membrane technology, each being an invention described in and

Page 83 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

covered by a patent of the United States that was or is being used or manufactured by or for the United States without license or the lawful right to use or manufacture same, including reasonable costs incurred in pursuing this action and as allowed by 28 U.S.C. § 1498(e) such as reasonable fees for expert witnesses and attorneys.

C. Such equitable relief as it may be entitled to under law, including approval of XPV's and Limnia's ATVM Loan Program applications and final agency review, on the merits independent of political considerations, of Limnia's LGP application.

D. Actual costs and attorney fees.

E. Such other relief as this Court deems just.

XP Vehicles had:

...more customer orders

...a dramatically lower cost car

...a vast pool of auto-workers and Detroit executives

...a 90% better debt ratio

...a faster-to-build design

...more issued patents

...a safer car

and hundreds of other merits that beat Tesla and other awardees of the DOE funds

BUT!

XP had refused to pay bribes so they got black-listed!

The Liars At The Department Of Energy

Beyond all that lawsuit legalese, the story of EVERY Department of Energy applicant who was not an approved hard-wired insider was, in layman terms, this:

One applicant, (we will call them: "Applicant A") was operating a U.S. Government funded electric vehicle manufacturing company and an energy production company that competed with Elon Musk's companies. "Applicant A" contacted the Fremont, California NUMMI plant which Elon Musk had publicly stated he "had no use for NUMMI". "Applicant A" had been in negotiations and had arranged the first request to re-task NUMMI. A major Washington DC consulting group and CBS News 60 Minutes Producer: Bob Simon, then had communications with Diane Feinstein's Chief of Staff who threatened "Applicant A" against having anything to do with the NUMMI plant. Subsequently Elon Musk announced he had stepped back in and was taking over the NUMMI plant in a surprise announcement MC'd, in person by Diane Feinstein, whose family was managing the leasing, hiring and contracting for the NUMMI and next door Solyndra buildings.

It turned out that a large rare earth minerals mining scam was underway to manipulate TRILLIONS of dollars of corrupt mining profits and federal tax dollars and that "Applicant A"'s federally funded technology obsoleted that plan.

Just after Russia evacuated Afghanistan, a particular set of Russian geological survey reports called: "The Afghan Metals Treasure Maps" were found by CIA researchers in Kabul. They were said to show where many trillions of dollars worth of copper, lithium, indium and other "rare earth" technology minerals were hidden in the Afghan plains.

That lithium and indium could power Elon Musk's cars and Solyndra, Fisker's, Abound's Cleantech (if only a certain group of Silicon Valley billionaires had a way to monopolize that...hmmmm?) But; were those "Treasure Maps" a trick or a treat?

To this day, controversy exists across the intelligence communities, of many nations, about whether, or not, those maps were a scam created to "trick the American's" or the actual locations of trillions of dollars of mining deals that were "antibody's for the taking". The papers that the CIA geologists pulled out of that archival library in Kabul, Afghanistan still read to be a bit too convenient for what happened next. Decades later, after an invasion or two, and vast expenditures of cash, political capitol and lives, very little of the promised golden mining treasure has materialized. What has materialized is epic corruption, political payola, campaign secrets, [deaths](#) and controversy.

Goldman Sachs, McKinsey Consulting and Deloitte helped a few rogue CIA buddies distribute a huge number of white papers and press releases which used the buzz words: "Trillions of dollars of lithium in Afghanistan" and "Afghanistan is the Saudi Arabia of Lithium". Why would those particular companies put so much effort into hyping a pile of dirt on the other side of the planet? Because their

Page 85 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

investors (John Doerr, Elon Musk, Eric Schmidt, Larry Page, Steve Westly, etc.) had a quid pro quo deal with some members of The White House.

EVERY FEW MINUTES SOMEONE IS MURDERED FOR LESS THAN 50 DOLLARS

Afghanistan: The Saudi Arabia of Lithium?

Lithium, which is from mobile phone nation's economy.

By JAMES RISEN
Published: June 13, 2010

WASHINGTON — The United States has discovered nearly \$1 trillion

in untapped mineral deposits in Afghanistan, far beyond any previously known reserves and enough to fundamentally alter the loan to Think Global, which is trying to emerge from bankruptcy — is held by Bzinfon, a British Virgin Islands company whose "indirect beneficial owner" is Boris Zingarevich, a Russian businessman. Zingarevich has close ties to Russian President Dmitry Medvedev and Prime Minister Vladimir Putin.

Investing in Lithium Mining Stocks

How To Profit from the Lithium Boom

By Brian Hicks
Friday, October 16th, 2009

Editor's Note:

While Western Lithium remains trades — and possibly a third opportunity to double if not trip

Goldman Sachs culture 'toxic'? Letter confirms suspicions about Wall Street.

A123 lithium-ion battery maker bankruptcy fuels criticism of President Barack Obama's alternative

Energy & Genius

The Saudi Arabia of Lithium

Brendan I. Koerner, 10.30.08, 06:00 PM EST
Forbes Magazine dated November 24, 2008

The gas engine made petroleum the world's biggest commodity. The electric car could do the same for the third element on the

Ener1 Wants to Win Lithium Ion Battery Race

Share Email Stumble

U.S. Identifies Vast Mineral Riches in Afghanistan

Image: CarSpace

The problem with lithium

David Booth, National Post

N chloride ring SQM creating the illudic the ultra-arid sala

Image: CarSpace

Image: CarSpace

Lithium ion battery manufacturer Ener1 (IEV) could become the country's first lithium ion battery mass producer—if it wins a \$480M Department of Energy loan. CNNMoney has more:

Goldman Sachs discloses ownership in Talison Lithium Corp.

Talison Lithium Ltd's

RUSSIAN OWNED

Afghanistan is sitting on mineral wealth worth over \$3 trillion and its future depends on it

By Ashley Harang, 30 July 2020, South Asia

U.S. Identifies Vast Mineral Riches in Afghanistan

The New Oil: Afghanistans Lithium Mines worth Trillions of Dollars

Posted: March 15, 2011 in All Articles / Posts, Main Stream Media Omission, US Foreign Policy
Tags: afghanistan, china, cobalt, concessions, copper, foreign investments, ghazni, gold, karzai, lithium, minerals, mines, mining, war

WORLD'S MINING COMPANIES COVET AFGHAN RICHES

By JAMES RISEN Published: June 17, 2010
<http://www.nytimes.com/2010/06/18/world/asia/18mines.html#>

A few high-risk investors are sufficiently intrigued by the country's potential to take an early look. JP Morgan, for instance, has just sent a team of mining experts to Afghanistan to examine possible

THIS IS THE "PITCH BOOK" THAT USAID USED TO SELL AN AFGHAN WAR TO THE AMERICAN VENTURE CAPITAL OLIGARCHS FOR THEIR CELL PHONE AND TESLA BATTERY DEALS!



WHAT DO YOU THINK CRAZY POLITICIANS AND BILLIONAIRE OLIGARCHS WOULD DO TO STEAL SIX TRILLION DOLLARS

Page 87 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

"Applicant A" had received a Congressional commendation, federal funding under contract to The Department of Energy and famous seminal patent awards for his work in the electric vehicle technologies; now used in the Honda, Toyota and Hyundai cars.



Subsequently, the FBI discovered (confirmed via a declassified congressional report) that Daniel Jones, a former intelligence committee staffer for Sen. Dianne Feinstein, hired Fusion GPS and Christopher Steele to push the Russian story and used Fusion GPS, and other services to put hit-jobs on people for Feinstein. Additionally, the FBI discovered that high level Chinese spies worked for Feinstein, including driving her around and that her husband's partner: Mart Bailey, was in China setting up deals that the CIA was concerned about. Fusion GPS, Media Matters, Gawker Media, Gizmodo Media Google and Youtube were subsequently found to have been hired by "a famous politician" to operate over \$30M of character assassination reprisal media defamation attacks against "Applicant A" to punish him for helping law enforcement in these cases. It is well known that Feinstein, Pelosi, Harris, Reid and other Senators commonly use intelligence agency resources and "dirty tricks" to attack citizens they are mad at.

"Applicant A" and his co-workers were cooperating with agency investigations at this time. In order to

Page 88 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

discourage, threaten and intimidate “Applicant A”, he and his peers were attacked with the aforementioned \$30M state-sponsored reprisal attack which included the following attack tactics:

- 1.) Defrauding Applicants via fake government requests to invest in rigged government contracts;
- 2.) Placing moles and spying inside Applicant’s companies;
- 3.) Blockading legal counsel for plaintiffs;
- 4.) Character assassination and sophisticated contracted defamation media attacks;
- 5.) Offshore factory processed social media attacks;
- 6.) Government benefits from SSA, HUD, etc, blockades and manipulations;
- 7.) Jobs and venture capital funding blacklisting;
- 8.) FOIA obfuscation for official government FOIA filings;
- 9.) Arbitrary government deadline manipulation for SSA, DOE, HUD and other applications;
- 10.) Creation of endless fake hurdles in agency applications (ie: DOE) to protect rigged "winners";
- 11.) Toxic workplace poisonings like the Salisbury, Nalvany, Litvinenko poisonings;
- 12.) Workplace sabotage and obstruction of Applicant’s companies;
- 13.) Media defamation attacks via gawker, Gizmodo, Jalopnik, Google, Youtube, etc.;
- 14.) Commercial employment database "lois lerner-ing" and red-flagging;
- 15.) Murders of peers (ie: Rajeev Motwani, Seth Rich, Gary D. Conley and 120+ others);
- 16.) Revenue blockades and internet income re-direction;
- 17.) Troll farm attack teams hired from Chinese attack farms;
- 18.) Fusion GPS, Media Matters, David Plouffe attack contracts issued targeting whistle-blowers;
- 19.) Manual search engine lock-in attacks on Google, YouTube, LinkedIn;
- 20.) U.S. patent office manipulation to blockade revenue;

- 21.) Honey-traps sent out targeting the whistle-blowers;**
 - 22.) Fake news tabloid empires created just for defamation attacks;**
 - 23.) Housing access and financing blockades created to reprisal harass whistle-blowers;**
 - 24.) Ongoing hacking of plaintiffs devices;**
 - 25.) Tech industry black-list coordination within the National Venture Capital Association;**
 - 26.) HUD and USDA mortgage rights blockades;**
 - 27.) DNS and IP routing manipulation to prevent victims from selling anything online;**
 - 28.) Digital attacks designed to put horrific fake news about target in front of 7.5 billion people...**
- and more spy agency type "dirty tricks" that cost the victims their lives, life savings, income and other disabling losses...**

The Department Of Energy (DOE) acts under White House orders to only give money to White House political financiers and sabotage the competitors of those political insiders. DOE says they don't do what David Axelrod, Rahm Emanuel, or the latest Oval Office lackey, tells them to do, but by now everyone knows that assertion is a complete and total lie!

Some of the people that laid siege to Congress at the start of 2021 believed they were "doing the right thing", others thought they were insane. Department of Energy staff are just as 'insane' in that they are hired to lie, cheat and manipulate funding in order to help their political favorites and harm the competitors to those 'favorites' who they perceive as political 'enemies'. Department of Energy staff are as devoted to cronyism as an ISIS attacker is to sawing off someone's head with his knife. Neither of them perceive themselves as "crazy zealots", both groups think they are 'doing the right thing', but those on the outside can see the truth.

When an Applicant for government funding receives a letter simply stating that their loan application under the Advanced Technology Vehicles Manufacturing (ATVM), LGP, Battery funds, etc. or other Program, has been rejected it is because the Applicant did not bribe the right people. Bright Automotive famously published a national letter about how the Dept of Energy had lied to them. XP sued the Dept of Energy for corruption and won. Congress has held ongoing hearings about the corruption and payola at the Department of Energy.

No logical reasons are ever given in the DOE letters and only after several attempts at phoning the Department of Energy office can you ever get the so-called "reasons" orally. You may never receive the reasons in writing. Over a hundred Applicants like Bright, Zap, Brammo, EcoMotors, XP Vehicles, Elio, Lordstown and others have been lied to, led down the garden path, stone-walled, delayed and sabotaged in order to protect political insiders Tesla, Solyndra, Abound, Brightsource and other White

Page 90 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

House financiers.

One could understand a rejection if the reasons given were applicable to an Applicants actual loan application. However, in each case, they were not. Many reasons did not even reflect what was included in the Applicants submissions if the Applicant was a competitor to Elon Musk. Department of Energy staff simply made up data that was not even submitted in order to help Tesla and harm Bright Automotive, for example. In many cases a rejected electric car Applicant was told that their car “did not use enough gasoline” or that their windmill project used “too much sun”... or similar nonsense.

All of Steven Chu’s Department of Energy staff were friends of, investors in, or associates of Elon Musk’s Cartel. They stayed on, many of them even still in place in 2021, waiting for Jennifer Granholm to get in and start the old Chu regime back up to hand out cash to the insiders from the Silicon Valley Mafia. In each case, after several attempts at receiving more clarification from the Dept of Energy and ATVM offices, no one from DOE has been in further contact with any outsider Applicant . For years, each Applicant is still requesting additional information about their loan applications and more applicable reasons for rejections.

Most of the competitors to Elon Musk, had cars that could go further than a Tesla, cost up to 80% less than a Tesla, used no gasoline, were easier to repair and build than a Tesla, saved your life better than a Tesla in a crash, didn’t blow up like a Tesla, did not get hacked as easy as a Tesla, were faster on torque-factors than a Tesla, were not about to go bankrupt like Elon Musk was at the time, did not require an extension cord to trip over like Tesla does, did not rely on foreign labor like Tesla did, did not have the horrific debt ratio that Tesla had, did not cause genocide and rape around the globe in corrupt lithium and cobalt child labor camps like Elon Musk did and, generally had every advantage over Tesla except: 1.) the Elon Musk partnership that Musk had with Dianne Feinstein’s family and the 2.) conduit of cash between Musk and political candidates.

Most of the other Applicant's had thousands of customers lined up who wanted to buy their unique and very “green” cars. The public were eager to buy their products but those products were better and more competitive than Elon Musk’s. If you line up every Applicants merits in a spreadsheet, the “DOE winners” would lose. The metrics were ignored or rigged in order to favor Tesla and Solyndra and harm outsiders who competed with them.

One of the rejection reasons that DOE gave an Applicant was that their car “did not use E85 gasoline”. It was an ELECTRIC CAR which uses NO gasoline which one would think that an Obama Administration had as a goal our country should want to attain. Crony insiders Tesla Motors and Fisker also used no gasoline and they were handed the DOE funds with almost no scrutiny. At no point was E85 gasoline ever mentioned, discussed, commented on or requested by DOE. In fact the topic was particularly avoided by DOE staff.

Another reason an Applicant (XP Vehicles) was given was that that “they were not planning on making millions of cars.” Any intelligent auto industry expert knows you have to ramp up production from a few thousand cars in order to get to a few million cars. The Department of Energy was not offering enough money to start making millions of cars right out of the gate. No car company EVER FUNDED by the Dept of Energy, to this day, has ever been capable of making millions of cars from the get go. In

Page 91 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

fact, XP, who proposed 50,000 vehicles, turned out to be EXACTLY correct based on industry history. Dept of Energy reviewers turned out to be EXACTLY wrong on their comments...or they were making things up to protect Musk. The rejection point was that Applicants were not planning to make enough cars. This was a false statement by DOE. The company would like to build and sell more cars than any other car company. They were fully willing to produce millions of vehicles if provided with the appropriate funding as they quantified millions of fleet buyers for its vehicles. No DOE entity ever asked them to adjust, discuss or amend their numbers. They were more than willing to adjust those numbers if anyone had even bothered to ask. One must start out with small steps and were planned to ramp up to a massive number over time. To suggest that one do otherwise would demonstrate questionable judgment by DOE reviewers. The validity of this comment was based on either lies or manipulated interpretations by DOE staff designed to harm Applicant ratings over Musk.

Applicant XP, whose business plan was based on selling vehicles to the government was told they were rejected by DOE because they were "... not planning to sell cars to the government". That determination was 100% false. It was a bald faced lie by Department of Energy staff. It was clearly stated in XP's application that the core sales plan of the company is based on government fleet sales. The Dept of Defense wanted a particular light-weight version of the XP car for air-dropped rescues. One cannot help but wonder if DOE even read the applications or just rubber-stamped all non-crony applications as "rejected".

In another example of a failure to read the applications, The Dept of Energy asserted that factory cost estimates were too low because "the metal body fabrication systems" were not calculated high enough. The Applicant did not use much metal fabrication in its bodies, which Dept of Energy staff would have known if they had even read the first page of the application.

Banks and every other business lender takes a few weeks to decide on business funding. The Dept of Energy stonewalled Applicants for YEARS and received numerous write-ups from the GAO as one of the most screwed up organizations in Washington DC.

DOE reviewers never even talked to the founders, inventor, engineers, project leads or primary contractors from non crony Applicants. Outsider Applicants were even told, over and over again, that everything in their application was good and that no additional information was needed. This is despite the fact that the reasons given for outsider rejections did not reflect the technology being used and therefore the ATVM reviewers did not understand our concept and product. Tesla Motors received over 100 hours of staff meetings and attention to guide them through the DOE. Non-crony Applicant"s got zero help.

It was discovered that McKinsey Consulting was hired to write all of the global white-papers designed to promote the Cleantech investors stock market holdings. They were also hired to staff the Department of Energy entirely with Elon Musk's and Solyndra's friends. They were also the lobbying consultants to Google, Facebook and the Silicon Valley Cartel.

After nearly a year of waiting, accompanied by written, verbal and in-person DOE proclamations that "everything was fine", "everything is on-track", "you appear to meet every criteria", etc. and after staff expended the majority of their personal funds based on these positive assertions, the applications were

Page 92 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

suddenly and mysteriously rejected. Why was staff at DOE during the course of the year, positive about the outcome and never asked for additional information? It was because they all knew, from December 2008 forward, that only those friends on a secret insiders list were ever going to be approved. Every other "Applicant A" was being defrauded and used as a smoke screen to make it look like things were "in process". Applicant's were promised, assured and relied on "things are looking good" statements from Dept of Energy staff who were lying. Dept of Energy staff knew from December of 2008 that the money was hard-wired for Tesla and a couple of others.

At the start of the DOE application process DOE's Lachlan Seward, Matt Rogers, Steven Chu, Kathy Zoi, Carol Battershal, and ALL of the senior DOE staff told each Applicant that the review would "be very interactive"... but there was no interaction for non-crony outsiders while Elon Musk and Solyndra folks, who applied later, were reviewed earlier, had hundreds of hours of in-person hand-holding interaction with DOE and had already been awarded their funds. No outsiders got any of this help or "interaction".

Rejection comments supplied by Chris Foster of DOE seemed to be unrelated to the business of each rejected company and had no foundation in fact. It was as if Dept of Energy staff would make anything up to keep competitors against Silicon Valley political campaign financiers from getting to market.

Rejected Applicants provided \$100 million+ of asset collateral opportunity for only a \$40M loan. To repeat, non-crony "Applicant A"s provided over TWICE the collateral of the value of the loan. How is this not as secure of a structure as any of the other Applicants. Elon Musk did not have any collateral like this!

Tesla was in such bad trouble that they had to borrow money from the Middle East and Detroit in order to temporarily cook their books so that DOE could release their cash. In reality, Tesla is a book-cooking stock market valuation manipulation operation and not a car company, as such.

The Department of Energy determined that three of the Applicant's were "most likely" to obsolete and put Elon Musk's company out of business because they beat the competitive metrics factors for price, range, safety, cost-to-produce...literally, THEY BEAT MUSK ON EVERYTHING! Department of Energy staff are beholden to Elon Musk and HIS political financiers so they could not let any competitors into the market. The Department of Energy is the gate-keeper of who gets to exist in the American auto industry according to Elon Musk's own marketing director: Daryl Sirry. No American bank or VC will finance a car company without DOE insider say-so. The Department of Energy blockades funding for those who directly might compete with Elon Musk because they get paid by Elon Musk and his financiers with stock, jobs, perks, political appointments, etc.

DOE top staff told Applicants that if they paid \$50,000.00 then they could get a full review. One Applicant got investors to fund the \$50K fee. The investors agreed if a DOE staffer would tell them once on the phone or email that that was the case. The (lying bastard) DOE staffer (Foster) refused to come to the phone or reply to any fedex or email until an hour after the deadline to wire the fee, even though he was recorded in his office, hiding from the calls. The staffer then sent an email saying "you missed the deadline to pay the fee, you are rejected", even though he had organized the missing of the fee by refusing any communication that he promised, in writing, to have with the investors who were to

Page 93 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

pay the fee. Elon Musk did not have to pay the fee until much later after Tesla got caught not paying the fee.

The state is wielding extraordinary power these days — power to close businesses, to directly impact people’s livelihoods and even lives — and so it owes it to the public to disclose how and why it makes those decisions that appear to only benefits campaign financiers and insiders. Hiding the identities and processes of the Department of Energy reviewers is a criminal act.

This secrecy is exactly the wrong approach here and will only breed further mistrust, confusion and contempt for the crucial role of government in bringing alternative energy vehicles to market.

Dept of Energy reviewers told non-crony Applicants that “electric motors and batteries were considered” by the DOE reviewers to be “too futuristic of a technology and not developed for commercial use even though they have been in use in over 40 industries for over 20 years, including by NASA. By the way, Tesla, Nissan and Fisker used the same exact electric motors. What was the rationale for this DOE argument aside from cronyism? In the case of XP, every part of the XP car was to be purchased from existing commercial sources with multiple points of supply, so it is not possible to see how a reviewer might think the vehicle had any significant technical acquisition hurdles. Over 100 major supplier companies, that have been building parts for the auto, aerospace and industry for decades) were to deliver the component parts for XP Vehicles. The U.S. Congress said that the primary purpose of this loan program was to develop advanced technology and further reduce U.S. dependence on gasoline. The non crony car "Applicant A"s used no gasoline and got over 125 miles per battery charge. How is the DOE claim that electric cars are not compliant not in direct conflict with the precepts of the Section 136 law?

Bright Automotive, ZAP Motors, EcoMotors and hundreds of other applicants have said that the Department of Energy is a “lying” pack of manipulators who only exist to slush-fund political financiers.

DOE staff would constantly “Lois Lerner” (or lose) non-crony Applicants paperwork. A DOE staffer named Brent even revealed that Lachlan Seward had ordered some documents shredded for cover-up purposes. Congressional investigations have documented hundreds of such corruption actions at DOE.

So... everyone thought: ***“How could the U.S. Government engage in such insane criminal bull shit?”***

So, one Applicant’s staff legally acquired the public Office Of Personnel Management records, social media postings, Linkedin records, FOIA revelations, voting and contribution records of every Department of Energy contractor and employee who had even the most remote contact with the funding process, from 2008 forward...and LOOKIE, LOOKIE! We have not been able to find a single one of them who was not financially involved with the handful of people who got they Dept of Energy funds. They were the most insider-trading, conflict-of-interest based, sleeping-with-the-recipient bunch of crooks and liars you could ever find. Why is the Dept of Energy allowed to hire only their friends and insider trading associates? Why is every office at DOE not required to have a 50/50 staff mix? The deciders and lobbyists are connected by sexual culture and greed and defrauded each of the non-crony

Page 94 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

people who they induced to apply. The Department of Energy knew from Dec. 1, 2008 that nobody was ever going to get Dept of Energy funding except the previously hard-wired crony insiders. Each "Applicant A" who was not an insider lost millions of dollars and years of their lives because of the lies of the U.S. Department of Energy. The Department of Energy has never apologized or paid their bills for the damages!

Congressional officials then assisted some of the whistle-blowers and their peers with a first-ever federal anti-corruption lawsuit. This case set many new legal precedents. The victims team won the lawsuit proving that government agencies "infected by corruption" had manipulated, blockaded and stone-walled the Applicant's government funding.

These citizens instigated Congressional corruption investigations and hearings against the most senior members of the State and Federal government. These actions resulted in the termination of very famous public officials and their crony criminal embezzlement scams and almost resulted in the President being forced to leave office, mid-term, based on revelations of a massive crony kick-back scheme which began to be exposed after the FBI raid of Solyndra. The director of the FBI was fired for assisting in cover-ups related to this matter.

It was revealed that White House executives ordered government agencies to harm members of the public and to reprisal with-hold public resources from the public. This was a violation of tort, RICO and anti-trust laws.

The victims fought back.

They used 100% legal tools to interdict the corruption.

First, with a unique new kind of pioneering federal lawsuit, victims established — FOR THE FIRST TIME IN LEGAL HISTORY — that political cronyism is a valid basis for a claim of arbitrary-and-capricious agency action under the Administrative Procedure Act. See: Federal Case One, (D.D.C. 2015).

Second, they prevailed in the United States Court of Appeals for the District of Columbia Circuit on their appeal of the district court's ruling that an agency may escape judicial review of its action by requesting a voluntary remand but refusing to reconsider its initial denial of an application. See: Case Federal Two, (D.C. Cir. 2017). The Washington DC Circuit agreed with the victims that an agency may only seek a remand if it promises to reconsider its initial decision. It is because of that victory that the government, under court order is now re-doing the victims applications and GAO, FBI, IG's and Congressional oversight offices are watching to assure effective ethics and transparency.

Third, these cases placed, on permanent public record, one of the most detailed documentation sets, ever assembled, about how modern political "Dark Money" conduits operate. The legal team hired ex-FBI, CIA and SEC experts to track down covert bank accounts, revolving door bribes, insider stock trades and other payola between the victim's competitors and public officials. This documentation now prevents the use of those kinds of criminal efforts, in the future, by exposing their tactics to the public.

Page 95 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Fourth, the victim's team engaged in the interdiction and termination of corrupt agency executives, contractors and their financiers. This included some of the most well-known names in Washington, DC, at the time. Many of them were, and are still being, investigated and surveilled by the FBI, GAO, SEC and Congress.

Fifth, and most important, the effort put every corrupt political scheme on notice that they WILL be found out and interdicted!

The bottom line? The victims group WON on every single aspect of their public-interest goals but still have yet to be recompensed for their damages!

Now the "bad guys" have less options to engage in the corruption of our Democracy!

Not only did the Department of Energy engage in reprisal attacks. SSA staff and officials from the SSA have been shown to have runn political reprisals on "Applicant A". History has shown that some Bay Area SSA staff since 2007 have gone on to work for politicians in dispute with "Applicant A" or for ANTIFA-like political activism groups that advocate attacks. SSA has been forced to remove at least four officials from their SSA jobs and more are under investigation. Dianne Feinstein, Nancy Pelosi, Kamala Harris, Harry Reid and other Senators have the staff and power to manipulate any SSA, HUD, CMA, DOE and other agency decisions, files, results and benefits against any citizen they are pissed of at. All of those Senators own the stock market assets of all of the competitors to "Applicant A" and have the owners of those competing companies over to parties and home dinners on a regular basis.

Nearly a thousand public officials including White House, FBI (and other agency most senior officials) have been removed from their jobs for using the government for revenge, reprisal, retaliation actions against those they competed with. The published facts, Congressional reports, Inspector General investigations and testimony prove that government officials attack citizens on a regular basis.

The Attacks On The Founders

If your alternative energy or independent car company looks like it has any chance of moving forward, you will be attacked.

The first thing an attack team does is place moles inside the company. The moles are acquiring data to force the founder of the company out. Big competitors want the core of the innovation and creativity to be killed off and that will often stall and kill off their electric car project.

If you are a founder and you think for one second that you are “safe”, think again!

One of the people that works right beside you is a plant from Tesla Motors, Kleiner Perkins, Greylock Capital, Steve Jurvetson or some other entity that wants you destroyed because you have a better product than theirs.

Here is a tiny sample of the many news articles about electric car founders getting exterminated. Let's take a look:

WIRED GEAR SCIENCE ENTERTAINMENT BUSINESS SECURITY DESIGN OPINION VIDEO

autoevolution.com | News | Extended | Auto Shows | Green

Miles EV names ex-Goldman Sachs exec as Co-Chairman

AUTO

Aptera Founders Ousted in Boardroom Showdown

BY DARRYL SIEY 11.15.09 11:11 PM

Like 09
Tweet 0
in

Jim Motavalli
New York Times contributor blogs about green transportation

Shai Agassi out at Better Place: Like Tesla without Musk, or Apple minus Jobs

In a shocker, Better Place's board has dismissed the man who imagined the company, raised hundreds of millions for it, and relentlessly drove it forward. What's next without the visionary founder?

GIGAOM Events Research Jobs paidContent

Home Apple Cleantech Cloud Data Europe Mobile Video

electric car / zap

ZAP Gets New Chairman from Dubai

by Craig Rubens MAY. 28, 2008 - 10:00 AM PDT

2 Comments f in +1

Summary: The ever-evolving saga of the electric car company ZAP Motors added a new chapter today. The maker of the three-wheeled, all-electric

AUTOPIA | evs and hybrids

Tesla's Founder Sues Tesla's CEO

BY CHUCK SQUATRIGLIA 06.11.09 1:15 AM

7 1 0 Like

Battery Technology

TUCKER
JEFF BRIDGES
THE MAN AND HIS DREAM

V-Vehicle Founder & CEO Out, Ray Lane in as Chief Executive

by Josie Garthwaite APR. 5, 2010 - 8:58 AM PDT

9 Comments f in +1

SUMMARY: V-Vehicle has undergone a shakeup since the feds rejected its

Varasano has left

TECHNOLOGY Sponsored by:

Fisker Founder Out In Electric Car China Shakeup

By DONNA HOWELL, INVESTOR'S BUSINESS DAILY
Posted 03/13/2013 03:15 PM ET

Email Print License Comment Tweet 1 Share

It's the second flap really to do with freezing that's hit the luxury electric car industry: Fisker Automotive founder Henrik Fisker just quit after disagreements with management, amid

UAE'S Aabar buys 40 percent of Daimler's Tesla stake

(Reuters) - Abu Dhabi-based Aabar Investments AABAR.AD has purchased 40 percent of Daimler AG's (DAIG.DE) stake in electric-car start-up Tesla Motors Inc, with the aim of launching a joint venture, Aabar said on Monday.

AP

Founder of GM electric truck partner quits amid allegations

By DAVID MCHUGH September 21, 2020

GM

Page 98 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

The bottom line: if you start an alternative car company you will be hunted and terminated for your efforts.

How The Tech Cartel Controls Government And Election Decisions About Who Gets To Build Cars

The Secret History of the Shadow Campaign That Rigs Elections For Stock Market Profits And Monopoly control

- If you tell the masses it is for a "good cause", even if it is a lie, they will believe you
- No candidate can run for any office unless Google's extremist owners allow it! Why? Because all elections are now controlled via billions of dollars of CIA, IN-Q-Tel, NSA technology which Google (and Facebook) developed!
- Most of the voters in America are too dumb to avoid propaganda media or even know that it is being used on themselves
- These Cartel groups have made deals that only allow their friend: Elon Musk, or his cohorts, to get a position in the market.
- The point of all “*common-folk*” *propaganda* is to create emotional triggers (Race, Babies, War, Environment, Immigration, Whales, etc.) that people will buy into as problems that will be “solved” if they vote for a certain candidate. Covertly, that candidate has promised stock market payola to those who manipulate the public and get them elected! Here is how it works:

BY [MOLLY BALL](#)

A weird thing happened right after the Nov. 3 election: nothing.

The nation was braced for chaos. Liberal groups had vowed to take to the streets, planning hundreds of protests across the country. Right-wing militias were girding for battle. In a poll before Election Day, 75% of Americans voiced concern about violence.

Instead, an eerie quiet descended. As President Trump refused to concede, the response was not mass action but crickets. When media organizations called the race for Joe Biden on Nov. 7, jubilation broke out instead, as people thronged cities across the U.S. to celebrate the democratic process that resulted in Trump’s ouster.

A second odd thing happened amid Trump’s attempts to reverse the result: corporate America turned on him. Hundreds of major business leaders, many of whom had backed Trump’s candidacy and supported his policies, called on him to concede. To the President, something felt amiss. “It was all very, very strange,” Trump said on Dec. 2. “Within days after the election, we witnessed an orchestrated effort to anoint the winner, even while many key states were still being counted.”

In a way, Trump was right.

There was a conspiracy unfolding behind the scenes, one that both curtailed the protests and coordinated the resistance from CEOs. Both surprises were the result of an informal alliance between left-wing activists and business titans. The pact was formalized in a terse, little-noticed joint statement of the U.S. Chamber of Commerce and AFL-CIO published on Election Day. Both sides would come to see it as a sort of implicit bargain—inspired by the summer’s massive, sometimes destructive racial-justice protests—in which the forces of labor came together with the forces of capital to keep the peace and oppose Trump’s assault on democracy.

The handshake between business and labor was just one component of a vast, cross-partisan campaign to protect the election—an extraordinary shadow effort dedicated not to winning the vote but to ensuring it would be free and fair, credible and uncorrupted. For more than a year, a loosely organized coalition of operatives scrambled to shore up America’s institutions as they came under simultaneous attack from a remorseless pandemic and an autocratically inclined President. Though much of this activity took place on the left, it was separate from the Biden campaign and crossed ideological lines, with crucial contributions by nonpartisan and conservative actors. The scenario the shadow campaigners were desperate to stop was not a Trump victory. It was an election so calamitous that no result could be discerned at all, a failure of the central act of democratic self-governance that has been a hallmark of America since its founding.

Their work touched every aspect of the election. They got states to change voting systems and laws and helped secure hundreds of millions in public and private funding. They fended off voter-suppression lawsuits, recruited armies of poll workers and got millions of people to vote by mail for the first time. They successfully pressured social media companies to take a harder line against disinformation and used data-driven strategies to fight viral smears. They executed national public-awareness campaigns that helped Americans understand how the vote count would unfold over days or weeks, preventing Trump’s conspiracy theories and false claims of victory from getting more traction. After Election Day, they monitored every pressure point to ensure that Trump could not overturn the result. “The untold story of the election is the thousands of people of both parties who accomplished the triumph of American democracy at its very foundation,” says Norm Eisen, a prominent lawyer and former Obama Administration official who recruited Republicans and Democrats to the board of the Voter Protection Program.

For Trump and his allies were running their own campaign to spoil the election. The President spent months insisting that mail ballots were a Democratic plot and the election would be “rigged.” His henchmen at the state level sought to block their use, while his lawyers brought dozens of spurious suits to make it more difficult to vote—an intensification of the GOP’s legacy of suppressive tactics. Before the election, Trump plotted to block a legitimate vote count. And he spent the months following Nov. 3 trying to steal the election he’d lost—with lawsuits and conspiracy theories, pressure on state and

local officials, and finally summoning his army of supporters to the Jan. 6 rally that ended in deadly violence at the Capitol.

The democracy campaigners watched with alarm. “Every week, we felt like we were in a struggle to try to pull off this election without the country going through a real dangerous moment of unraveling,” says former GOP Representative Zach Wamp, a Trump supporter who helped coordinate a bipartisan election-protection council. “We can look back and say this thing went pretty well, but it was not at all clear in September and October that that was going to be the case.”

This is the inside story of the conspiracy to save the 2020 election, based on access to the group’s inner workings, never-before-seen documents and interviews with dozens of those involved from across the political spectrum. It is the story of an unprecedented, creative and determined campaign whose success also reveals how close the nation came to disaster. “Every attempt to interfere with the proper outcome of the election was defeated,” says Ian Bassin, co-founder of Protect Democracy, a nonpartisan rule-of-law advocacy group. “But it’s massively important for the country to understand that it didn’t happen accidentally. The system didn’t work magically. Democracy is not self-executing.”

That’s why the participants want the secret history of the 2020 election told, even though it sounds like a paranoid fever dream—a well-funded cabal of powerful people, ranging across industries and ideologies, working together behind the scenes to influence perceptions, change rules and laws, steer media coverage and control the flow of information. They were not rigging the election; they were fortifying it. And they believe the public needs to understand the system’s fragility in order to ensure that democracy in America endures.

THE ARCHITECT

Sometime in the fall of 2019, Mike Podhorzer became convinced the election was headed for disaster—and determined to protect it.

This was not his usual purview. For nearly a quarter-century, Podhorzer, senior adviser to the president of the AFL-CIO, the nation’s largest union federation, has marshaled the latest tactics and data to help its favored candidates win elections. Unassuming and professorial, he isn’t the sort of hair-gelled “political strategist” who shows up on cable news. Among Democratic insiders, he’s known as the wizard behind some of the biggest advances in political technology in recent decades. A group of liberal strategists he brought together in the early 2000s led to the creation of the Analyst Institute, a secretive firm that applies scientific methods to political campaigns. He was also involved in the founding of Catalist, the flagship progressive data company.

The endless chatter in Washington about “political strategy,” Podhorzer believes, has little to do with how change really gets made. “My basic take on politics is that it’s all pretty obvious if you don’t overthink it or swallow the prevailing frameworks whole,” he once wrote. “After that, just relentlessly identify your assumptions and challenge them.” Podhorzer applies that approach to everything: when he coached his now adult son’s Little League team in the D.C. suburbs, he trained the boys not to swing

at most pitches—a tactic that infuriated both their and their opponents’ parents, but won the team a series of championships.

Trump’s election in 2016—credited in part to his unusual strength among the sort of blue collar white voters who once dominated the AFL-CIO—prompted Podhorzer to question his assumptions about voter behavior. He began circulating weekly number-crunching memos to a small circle of allies and hosting strategy sessions in D.C. But when he began to worry about the election itself, he didn’t want to seem paranoid. It was only after months of research that he introduced his concerns in his newsletter in October 2019. The usual tools of data, analytics and polling would not be sufficient in a situation where the President himself was trying to disrupt the election, he wrote. “Most of our planning takes us through Election Day,” he noted. “But, we are not prepared for the two most likely outcomes”—Trump losing and refusing to concede, and Trump winning the Electoral College (despite losing the popular vote) by corrupting the voting process in key states. “We desperately need to systematically ‘red-team’ this election so that we can anticipate and plan for the worst we know will be coming our way.”

It turned out Podhorzer wasn’t the only one thinking in these terms. He began to hear from others eager to join forces. The Fight Back Table, a coalition of “resistance” organizations, had begun scenario-planning around the potential for a contested election, gathering liberal activists at the local and national level into what they called the Democracy Defense Coalition. Voting-rights and civil rights organizations were raising alarms. A group of former elected officials was researching emergency powers they feared Trump might exploit. Protect Democracy was assembling a bipartisan election-crisis task force. “It turned out that once you said it out loud, people agreed,” Podhorzer says, “and it started building momentum.”

He spent months pondering scenarios and talking to experts. It wasn’t hard to find liberals who saw Trump as a dangerous dictator, but Podhorzer was careful to steer clear of hysteria. What he wanted to know was not how American democracy was dying but how it might be kept alive. The chief difference between the U.S. and countries that lost their grip on democracy, he concluded, was that America’s decentralized election system couldn’t be rigged in one fell swoop. That presented an opportunity to shore it up.

THE ALLIANCE

On March 3, Podhorzer drafted a three-page confidential memo titled “Threats to the 2020 Election.” “Trump has made it clear that this will not be a fair election, and that he will reject anything but his own re-election as ‘fake’ and rigged,” he wrote. “On Nov. 3, should the media report otherwise, he will use the right-wing information system to establish his narrative and incite his supporters to protest.” The memo laid out four categories of challenges: attacks on voters, attacks on election administration, attacks on Trump’s political opponents and “efforts to reverse the results of the election.”

Then COVID-19 erupted at the height of the primary-election season. Normal methods of voting were no longer safe for voters or the mostly elderly volunteers who normally staff polling places. But

political disagreements, intensified by Trump’s crusade against mail voting, prevented some states from making it easier to vote absentee and for jurisdictions to count those votes in a timely manner. Chaos ensued. Ohio shut down in-person voting for its primary, leading to minuscule turnout. A poll-worker shortage in Milwaukee—where Wisconsin’s heavily Democratic Black population is concentrated—left just five open polling places, down from 182. In New York, vote counting took more than a month.

Suddenly, the potential for a November meltdown was obvious. In his apartment in the D.C. suburbs, Podhorzer began working from his laptop at his kitchen table, holding back-to-back Zoom meetings for hours a day with his network of contacts across the progressive universe: the labor movement; the institutional left, like Planned Parenthood and Greenpeace; resistance groups like Indivisible and MoveOn; progressive data geeks and strategists, representatives of donors and foundations, state-level grassroots organizers, racial-justice activists and others.

In April, Podhorzer began hosting a weekly 2½-hour Zoom. It was structured around a series of rapid-fire five-minute presentations on everything from which ads were working to messaging to legal strategy. The invitation-only gatherings soon attracted hundreds, creating a rare shared base of knowledge for the fractious progressive movement. “At the risk of talking trash about the left, there’s not a lot of good information sharing,” says Anat Shenker-Osorio, a close Podhorzer friend whose poll-tested messaging guidance shaped the group’s approach. “There’s a lot of not-invented-here syndrome, where people won’t consider a good idea if they didn’t come up with it.”

The meetings became the galactic center for a constellation of operatives across the left who shared overlapping goals but didn’t usually work in concert. The group had no name, no leaders and no hierarchy, but it kept the disparate actors in sync. “Pod played a critical behind-the-scenes role in keeping different pieces of the movement infrastructure in communication and aligned,” says Maurice Mitchell, national director of the Working Families Party. “You have the litigation space, the organizing space, the political people just focused on the W, and their strategies aren’t always aligned. He allowed this ecosystem to work together.”

Protecting the election would require an effort of unprecedented scale. As 2020 progressed, it stretched to Congress, Silicon Valley and the nation’s statehouses. It drew energy from the summer’s racial-justice protests, many of whose leaders were a key part of the liberal alliance. And eventually it reached across the aisle, into the world of Trump-skeptical Republicans appalled by his attacks on democracy.

SECURING THE VOTE

The first task was overhauling America’s balky election infrastructure—in the middle of a pandemic. For the thousands of local, mostly nonpartisan officials who administer elections, the most urgent need was money. They needed protective equipment like masks, gloves and hand sanitizer. They needed to pay for postcards letting people know they could vote absentee—or, in some states, to mail ballots to every voter. They needed additional staff and scanners to process ballots.

Page 104 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

In March, activists appealed to Congress to steer COVID relief money to election administration. Led by the Leadership Conference on Civil and Human Rights, more than 150 organizations signed a letter to every member of Congress seeking \$2 billion in election funding. It was somewhat successful: the CARES Act, passed later that month, contained \$400 million in grants to state election administrators. But the next tranche of relief funding didn't add to that number. It wasn't going to be enough.

Private philanthropy stepped into the breach. An assortment of foundations contributed tens of millions in election-administration funding. The Chan Zuckerberg Initiative chipped in \$300 million. "It was a failure at the federal level that 2,500 local election officials were forced to apply for philanthropic grants to fill their needs," says Amber McReynolds, a former Denver election official who heads the nonpartisan National Vote at Home Institute.

McReynolds' two-year-old organization became a clearinghouse for a nation struggling to adapt. The institute gave secretaries of state from both parties technical advice on everything from which vendors to use to how to locate drop boxes. Local officials are the most trusted sources of election information, but few can afford a press secretary, so the institute distributed communications tool kits. In a presentation to Podhorzer's group, McReynolds detailed the importance of absentee ballots for shortening lines at polling places and preventing an election crisis.

The institute's work helped 37 states and D.C. bolster mail voting. But it wouldn't be worth much if people didn't take advantage. Part of the challenge was logistical: each state has different rules for when and how ballots should be requested and returned. The Voter Participation Center, which in a normal year would have deployed canvassers door-to-door to get out the vote, instead conducted focus groups in April and May to find out what would get people to vote by mail. In August and September, it sent ballot applications to 15 million people in key states, 4.6 million of whom returned them. In mailings and digital ads, the group urged people not to wait for Election Day. "All the work we have done for 17 years was built for this moment of bringing democracy to people's doorsteps," says Tom Lopach, the center's CEO.

The effort had to overcome heightened skepticism in some communities. Many Black voters preferred to exercise their franchise in person or didn't trust the mail. National civil rights groups worked with local organizations to get the word out that this was the best way to ensure one's vote was counted. In Philadelphia, for example, advocates distributed "voting safety kits" containing masks, hand sanitizer and informational brochures. "We had to get the message out that this is safe, reliable, and you can trust it," says Hannah Fried of All Voting Is Local.

At the same time, Democratic lawyers battled a historic tide of pre-election litigation. The pandemic intensified the parties' usual tangling in the courts. But the lawyers noticed something else as well. "The litigation brought by the Trump campaign, of a piece with the broader campaign to sow doubt about mail voting, was making novel claims and using theories no court has ever accepted," says Wendy Weiser, a voting-rights expert at the Brennan Center for Justice at NYU. "They read more like lawsuits designed to send a message rather than achieve a legal outcome."

In the end, nearly half the electorate cast ballots by mail in 2020, practically a revolution in how people vote. About a quarter voted early in person. Only a quarter of voters cast their ballots the traditional way: in person on Election Day.

THE DISINFORMATION DEFENSE

Bad actors spreading false information is nothing new. For decades, campaigns have grappled with everything from anonymous calls claiming the election has been rescheduled to fliers spreading nasty smears about candidates' families. But Trump's lies and conspiracy theories, the viral force of social media and the involvement of foreign meddlers made disinformation a broader, deeper threat to the 2020 vote.

Laura Quinn, a veteran progressive operative who co-founded Catalist, began studying this problem a few years ago. She piloted a nameless, secret project, which she has never before publicly discussed, that tracked disinformation online and tried to figure out how to combat it. One component was tracking dangerous lies that might otherwise spread unnoticed. Researchers then provided information to campaigners or the media to track down the sources and expose them.

The most important takeaway from Quinn's research, however, was that engaging with toxic content only made it worse. "When you get attacked, the instinct is to push back, call it out, say, 'This isn't true,'" Quinn says. "But the more engagement something gets, the more the platforms boost it. The algorithm reads that as, 'Oh, this is popular; people want more of it.'"

The solution, she concluded, was to pressure platforms to enforce their rules, both by removing content or accounts that spread disinformation and by more aggressively policing it in the first place. "The platforms have policies against certain types of malign behavior, but they haven't been enforcing them," she says.

Quinn's research gave ammunition to advocates pushing social media platforms to take a harder line. In November 2019, Mark Zuckerberg invited nine civil rights leaders to dinner at his home, where they warned him about the danger of the election-related falsehoods that were already spreading unchecked. "It took pushing, urging, conversations, brainstorming, all of that to get to a place where we ended up with more rigorous rules and enforcement," says Vanita Gupta, president and CEO of the Leadership Conference on Civil and Human Rights, who attended the dinner and also met with Twitter CEO Jack Dorsey and others. (Gupta has been nominated for Associate Attorney General by President Biden.) "It was a struggle, but we got to the point where they understood the problem. Was it enough? Probably not. Was it later than we wanted? Yes. But it was really important, given the level of official disinformation, that they had those rules in place and were tagging things and taking them down."

SPREADING THE WORD

Beyond battling bad information, there was a need to explain a rapidly changing election process. It was crucial for voters to understand that despite what Trump was saying, mail-in votes weren't

Page 106 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

susceptible to fraud and that it would be normal if some states weren't finished counting votes on election night.

Dick Gephardt, the Democratic former House leader turned high-powered lobbyist, spearheaded one coalition. "We wanted to get a really bipartisan group of former elected officials, Cabinet secretaries, military leaders and so on, aimed mainly at messaging to the public but also speaking to local officials—the secretaries of state, attorneys general, governors who would be in the eye of the storm—to let them know we wanted to help," says Gephardt, who worked his contacts in the private sector to put \$20 million behind the effort.

Wamp, the former GOP Congressman, worked through the nonpartisan reform group Issue One to rally Republicans. "We thought we should bring some bipartisan element of unity around what constitutes a free and fair election," Wamp says. The 22 Democrats and 22 Republicans on the National Council on Election Integrity met on Zoom at least once a week. They ran ads in six states, made statements, wrote articles and alerted local officials to potential problems. "We had rabid Trump supporters who agreed to serve on the council based on the idea that this is honest," Wamp says. This is going to be just as important, he told them, to convince the liberals when Trump wins. "Whichever way it cuts, we're going to stick together."

The Voting Rights Lab and IntoAction created state-specific memes and graphics, spread by email, text, Twitter, Facebook, Instagram and TikTok, urging that every vote be counted. Together, they were viewed more than 1 billion times. Protect Democracy's election task force issued reports and held media briefings with high-profile experts across the political spectrum, resulting in widespread coverage of potential election issues and fact-checking of Trump's false claims. The organization's tracking polls found the message was being heard: the percentage of the public that didn't expect to know the winner on election night gradually rose until by late October, it was over 70%. A majority also believed that a prolonged count wasn't a sign of problems. "We knew exactly what Trump was going to do: he was going to try to use the fact that Democrats voted by mail and Republicans voted in person to make it look like he was ahead, claim victory, say the mail-in votes were fraudulent and try to get them thrown out," says Protect Democracy's Bassin. Setting public expectations ahead of time helped undercut those lies.

The alliance took a common set of themes from the research Shenker-Osorio presented at Podhorzer's Zooms. Studies have shown that when people don't think their vote will count or fear casting it will be a hassle, they're far less likely to participate. Throughout election season, members of Podhorzer's group minimized incidents of voter intimidation and tamped down rising liberal hysteria about Trump's expected refusal to concede. They didn't want to amplify false claims by engaging them, or put people off voting by suggesting a rigged game. "When you say, 'These claims of fraud are spurious,' what people hear is 'fraud,'" Shenker-Osorio says. "What we saw in our pre-election research was that anything that reaffirmed Trump's power or cast him as an authoritarian diminished people's desire to vote."

Page 107 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Podhorzer, meanwhile, was warning everyone he knew that polls were underestimating Trump's support. The data he shared with media organizations who would be calling the election was "tremendously useful" to understand what was happening as the votes rolled in, according to a member of a major network's political unit who spoke with Podhorzer before Election Day. Most analysts had recognized there would be a "blue shift" in key battlegrounds— the surge of votes breaking toward Democrats, driven by tallies of mail-in ballots— but they hadn't comprehended how much better Trump was likely to do on Election Day. "Being able to document how big the absentee wave would be and the variance by state was essential," the analyst says.

PEOPLE POWER

The racial-justice uprising sparked by George Floyd's killing in May was not primarily a political movement. The organizers who helped lead it wanted to harness its momentum for the election without allowing it to be co-opted by politicians. Many of those organizers were part of Podhorzer's network, from the activists in battleground states who partnered with the Democracy Defense Coalition to organizations with leading roles in the Movement for Black Lives.

The best way to ensure people's voices were heard, they decided, was to protect their ability to vote. "We started thinking about a program that would complement the traditional election-protection area but also didn't rely on calling the police," says Nelini Stamp, the Working Families Party's national organizing director. They created a force of "election defenders" who, unlike traditional poll watchers, were trained in de-escalation techniques. During early voting and on Election Day, they surrounded lines of voters in urban areas with a "joy to the polls" effort that turned the act of casting a ballot into a street party. Black organizers also recruited thousands of poll workers to ensure polling places would stay open in their communities.

The summer uprising had shown that people power could have a massive impact. Activists began preparing to reprise the demonstrations if Trump tried to steal the election. "Americans plan widespread protests if Trump interferes with election," Reuters reported in October, one of many such stories. More than 150 liberal groups, from the Women's March to the Sierra Club to Color of Change, from Democrats.com to the Democratic Socialists of America, joined the "Protect the Results" coalition. The group's now defunct website had a map listing 400 planned postelection demonstrations, to be activated via text message as soon as Nov. 4. To stop the coup they feared, the left was ready to flood the streets.

STRANGE BEDFELLOWS

About a week before Election Day, Podhorzer received an unexpected message: the U.S. Chamber of Commerce wanted to talk.

The AFL-CIO and the Chamber have a long history of antagonism. Though neither organization is explicitly partisan, the influential business lobby has poured hundreds of millions of dollars into

Republican campaigns, just as the nation's unions funnel hundreds of millions to Democrats. On one side is labor, on the other management, locked in an eternal struggle for power and resources.

But behind the scenes, the business community was engaged in its own anxious discussions about how the election and its aftermath might unfold. The summer's racial-justice protests had sent a signal to business owners too: the potential for economy-disrupting civil disorder. "With tensions running high, there was a lot of concern about unrest around the election, or a breakdown in our normal way we handle contentious elections," says Neil Bradley, the Chamber's executive vice president and chief policy officer. These worries had led the Chamber to release a pre-election statement with the Business Roundtable, a Washington-based CEOs' group, as well as associations of manufacturers, wholesalers and retailers, calling for patience and confidence as votes were counted.

But Bradley wanted to send a broader, more bipartisan message. He reached out to Podhorzer, through an intermediary both men declined to name. Agreeing that their unlikely alliance would be powerful, they began to discuss a joint statement pledging their organizations' shared commitment to a fair and peaceful election. They chose their words carefully and scheduled the statement's release for maximum impact. As it was being finalized, Christian leaders signaled their interest in joining, further broadening its reach.

The statement was released on Election Day, under the names of Chamber CEO Thomas Donohue, AFL-CIO president Richard Trumka, and the heads of the National Association of Evangelicals and the National African American Clergy Network. "It is imperative that election officials be given the space and time to count every vote in accordance with applicable laws," it stated. "We call on the media, the candidates and the American people to exercise patience with the process and trust in our system, even if it requires more time than usual." The groups added, "Although we may not always agree on desired outcomes up and down the ballot, we are united in our call for the American democratic process to proceed without violence, intimidation or any other tactic that makes us weaker as a nation."

SHOWING UP, STANDING DOWN

Election night began with many Democrats despairing. Trump was running ahead of pre-election polling, winning Florida, Ohio and Texas easily and keeping Michigan, Wisconsin and Pennsylvania too close to call. But Podhorzer was unperturbed when I spoke to him that night: the returns were exactly in line with his modeling. He had been warning for weeks that Trump voters' turnout was surging. As the numbers dribbled out, he could tell that as long as all the votes were counted, Trump would lose.

The liberal alliance gathered for an 11 p.m. Zoom call. Hundreds joined; many were freaking out. "It was really important for me and the team in that moment to help ground people in what we had already known was true," says Angela Peoples, director for the Democracy Defense Coalition. Podhorzer presented data to show the group that victory was in hand.

While he was talking, Fox News surprised everyone by calling Arizona for Biden. The public-awareness campaign had worked: TV anchors were bending over backward to counsel caution and frame the vote count accurately. The question then became what to do next.

The conversation that followed was a difficult one, led by the activists charged with the protest strategy. “We wanted to be mindful of when was the right time to call for moving masses of people into the street,” Peoples says. As much as they were eager to mount a show of strength, mobilizing immediately could backfire and put people at risk. Protests that devolved into violent clashes would give Trump a pretext to send in federal agents or troops as he had over the summer. And rather than elevate Trump’s complaints by continuing to fight him, the alliance wanted to send the message that the people had spoken.

So the word went out: stand down. Protect the Results announced that it would “not be activating the entire national mobilization network today, but remains ready to activate if necessary.” On Twitter, outraged progressives wondered what was going on. Why wasn’t anyone trying to stop Trump’s coup? Where were all the protests?

Podhorzer credits the activists for their restraint. “They had spent so much time getting ready to hit the streets on Wednesday. But they did it,” he says. “Wednesday through Friday, there was not a single Antifa vs. Proud Boys incident like everyone was expecting. And when that didn’t materialize, I don’t think the Trump campaign had a backup plan.”

Activists reoriented the Protect the Results protests toward a weekend of celebration. “Counter their disinfo with our confidence & get ready to celebrate,” read the messaging guidance Shenker-Osorio presented to the liberal alliance on Friday, Nov. 6. “Declare and fortify our win. Vibe: confident, forward-looking, unified–NOT passive, anxious.” The voters, not the candidates, would be the protagonists of the story.

The planned day of celebration happened to coincide with the election being called on Nov. 7. Activists dancing in the streets of Philadelphia blasted Beyoncé over an attempted Trump campaign press conference; the Trumpers’ next confab was scheduled for Four Seasons Total Landscaping outside the city center, which activists believe was not a coincidence. “The people of Philadelphia owned the streets of Philadelphia,” crows the Working Families Party’s Mitchell. “We made them look ridiculous by contrasting our joyous celebration of democracy with their clown show.”

The votes had been counted. Trump had lost. But the battle wasn’t over.

THE FIVE STEPS TO VICTORY

In Podhorzer’s presentations, winning the vote was only the first step to winning the election. After that came winning the count, winning the certification, winning the Electoral College and winning the transition—steps that are normally formalities but that he knew Trump would see as opportunities for disruption. Nowhere would that be more evident than in Michigan, where Trump’s pressure on local

Republicans came perilously close to working—and where liberal and conservative pro-democracy forces joined to counter it. It was around 10 p.m. on election night in Detroit when a flurry of texts lit up the phone of Art Reyes III. A busload of Republican election observers had arrived at the TCF Center, where votes were being tallied. They were crowding the vote-counting tables, refusing to wear masks, heckling the mostly Black workers. Reyes, a Flint native who leads We the People Michigan, was expecting this. For months, conservative groups had been sowing suspicion about urban vote fraud. “The language was, ‘They’re going to steal the election; there will be fraud in Detroit,’ long before any vote was cast,” Reyes says.

He made his way to the arena and sent word to his network. Within 45 minutes, dozens of reinforcements had arrived. As they entered the arena to provide a counterweight to the GOP observers inside, Reyes took down their cell-phone numbers and added them to a massive text chain. Racial-justice activists from Detroit Will Breathe worked alongside suburban women from Fems for Dems and local elected officials. Reyes left at 3 a.m., handing the text chain over to a disability activist.

As they mapped out the steps in the election-certification process, activists settled on a strategy of foregrounding the people’s right to decide, demanding their voices be heard and calling attention to the racial implications of disenfranchising Black Detroiters. They flooded the Wayne County canvassing board’s Nov. 17 certification meeting with on-message testimony; despite a Trump tweet, the Republican board members certified Detroit’s votes.

Election boards were one pressure point; another was GOP-controlled legislatures, who Trump believed could declare the election void and appoint their own electors. And so the President invited the GOP leaders of the Michigan legislature, House Speaker Lee Chatfield and Senate majority leader Mike Shirkey, to Washington on Nov. 20.

It was a perilous moment. If Chatfield and Shirkey agreed to do Trump’s bidding, Republicans in other states might be similarly bullied. “I was concerned things were going to get weird,” says Jeff Timmer, a former Michigan GOP executive director turned anti-Trump activist. Norm Eisen describes it as “the scariest moment” of the entire election.

The democracy defenders launched a full-court press. Protect Democracy’s local contacts researched the lawmakers’ personal and political motives. Issue One ran television ads in Lansing. The Chamber’s Bradley kept close tabs on the process. Wamp, the former Republican Congressman, called his former colleague Mike Rogers, who wrote an op-ed for the Detroit newspapers urging officials to honor the will of the voters. Three former Michigan governors—Republicans John Engler and Rick Snyder and **Democrat Jennifer Granholm**—jointly called for Michigan’s electoral votes to be cast free of pressure from the White House. Engler, a former head of the Business Roundtable, made phone calls to influential donors and fellow GOP elder statesmen who could press the lawmakers privately.

The pro-democracy forces were up against a Trumpified Michigan GOP controlled by allies of Ronna McDaniel, the Republican National Committee chair, and Betsy DeVos, the former Education Secretary

and a member of a billionaire family of GOP donors. On a call with his team on Nov. 18, Bassin vented that his side's pressure was no match for what Trump could offer. "Of course he's going to try to offer them something," Bassin recalls thinking. "Head of the Space Force! Ambassador to wherever! We can't compete with that by offering carrots. We need a stick."

If Trump were to offer something in exchange for a personal favor, that would likely constitute bribery, Bassin reasoned. He phoned Richard Primus, a law professor at the University of Michigan, to see if Primus agreed and would make the argument publicly. Primus said he thought the meeting itself was inappropriate, and got to work on an op-ed for Politico warning that the state attorney general—a Democrat—would have no choice but to investigate. When the piece posted on Nov. 19, the attorney general's communications director tweeted it. Protect Democracy soon got word that the lawmakers planned to bring lawyers to the meeting with Trump the next day.

Reyes' activists scanned flight schedules and flocked to the airports on both ends of Shirkey's journey to D.C., to underscore that the lawmakers were being scrutinized. After the meeting, the pair announced they'd pressed the President to deliver COVID relief for their constituents and informed him they saw no role in the election process. Then they went for a drink at the Trump hotel on Pennsylvania Avenue. A street artist projected their images onto the outside of the building along with the words THE WORLD IS WATCHING.

That left one last step: the state canvassing board, made up of two Democrats and two Republicans. One Republican, a Trumper employed by the DeVos family's political nonprofit, was not expected to vote for certification. The other Republican on the board was a little-known lawyer named Aaron Van Langevelde. He sent no signals about what he planned to do, leaving everyone on edge.

When the meeting began, Reyes's activists flooded the livestream and filled Twitter with their hashtag, #alleyesonmi. A board accustomed to attendance in the single digits suddenly faced an audience of thousands. In hours of testimony, the activists emphasized their message of respecting voters' wishes and affirming democracy rather than scolding the officials. Van Langevelde quickly signaled he would follow precedent. The vote was 3-0 to certify; the other Republican abstained.

After that, the dominoes fell. Pennsylvania, Wisconsin and the rest of the states certified their electors. Republican officials in Arizona and Georgia stood up to Trump's bullying. And the Electoral College voted on schedule on Dec. 14.

HOW CLOSE WE CAME

There was one last milestone on Podhorzer's mind: Jan. 6. On the day Congress would meet to tally the electoral count, Trump summoned his supporters to D.C. for a rally.

Much to their surprise, the thousands who answered his call were met by virtually no counterdemonstrators. To preserve safety and ensure they couldn't be blamed for any mayhem, the

Page 112 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

activist left was “strenuously discouraging counter activity,” Podhorzer texted me the morning of Jan. 6, with a crossed-fingers emoji.

Trump addressed the crowd that afternoon, peddling the lie that lawmakers or Vice President Mike Pence could reject states’ electoral votes. He told them to go to the Capitol and “fight like hell.” Then he returned to the White House as they sacked the building. As lawmakers fled for their lives and his own supporters were shot and trampled, Trump praised the rioters as “very special.”

It was his final attack on democracy, and once again, it failed. By standing down, the democracy campaigners outfoxed their foes. “We won by the skin of our teeth, honestly, and that’s an important point for folks to sit with,” says the Democracy Defense Coalition’s Peoples. “There’s an impulse for some to say voters decided and democracy won. But it’s a mistake to think that this election cycle was a show of strength for democracy. It shows how vulnerable democracy is.”

The members of the alliance to protect the election have gone their separate ways. The Democracy Defense Coalition has been disbanded, though the Fight Back Table lives on. Protect Democracy and the good-government advocates have turned their attention to pressing reforms in Congress. Left-wing activists are pressuring the newly empowered Democrats to remember the voters who put them there, while civil rights groups are on guard against further attacks on voting. Business leaders denounced the Jan. 6 attack, and some say they will no longer donate to lawmakers who refused to certify Biden’s victory. Podhorzer and his allies are still holding their Zoom strategy sessions, gauging voters’ views and developing new messages. And Trump is in Florida, facing his second impeachment, deprived of the Twitter and Facebook accounts he used to push the nation to its breaking point.

As I was reporting this article in November and December, I heard different claims about who should get the credit for thwarting Trump’s plot. Liberals argued the role of bottom-up people power shouldn’t be overlooked, particularly the contributions of people of color and local grassroots activists. Others stressed the heroism of GOP officials like Van Langevelde and Georgia secretary of state Brad Raffensperger, who stood up to Trump at considerable cost. The truth is that neither likely could have succeeded without the other. “It’s astounding how close we came, how fragile all this really is,” says Timmer, the former Michigan GOP executive director. “It’s like when Wile E. Coyote runs off the cliff—if you don’t look down, you don’t fall. Our democracy only survives if we all believe and don’t look down.”

Democracy won in the end. The will of the people prevailed. But it’s crazy, in retrospect, that this is what it took to put on an election in the United States of America.

—With reporting by LESLIE DICKSTEIN, MARIAH ESPADA and SIMMONE SHAH

Correction appended, Feb. 5: The original version of this story misstated the name of Norm Eisen’s organization. It is the Voter Protection Program, not the Voter Protection Project. The original version of this story also misstated Jeff Timmer’s former position with the Michigan Republican Party. He was the executive director, not the chairman.

This appears in the February 15, 2021 issue of TIME.

Time magazine has published a detailed account of what it describes as a “conspiracy” between “left-wing activists and business titans” to create “an extraordinary shadow effort” to “protect” the 2020 presidential election.

The New York Times had [reported](#) on the effort in January, referring to the “Democracy Defense Coalition.” The Daily Beast [hinted](#) at it in the fall. But the *Time* article is the most in-depth report at what others suggested was going on behind the scenes.

The [article](#) by Molly Ball, titled “The Secret History of the Shadow Campaign That Saved the 2020 Election,” presents the effort as a heroic effort to preserve a free and fair election, and to fend off President Donald Trump’s anticipated claims of fraud.

Ball’s description, however, also matches what she calls a “paranoid” view of an effort to make it difficult for Trump to win:

The handshake between business and labor was just one component of a vast, cross-partisan campaign to protect the election—an extraordinary shadow effort dedicated not to winning the vote but to ensuring it would be free and fair, credible and uncorrupted. For more than a year, a loosely organized coalition of operatives scrambled to shore up America’s institutions as they came under simultaneous attack from a remorseless pandemic and an autocratically inclined President. Though much of this activity took place on the left, it was separate from the Biden campaign and crossed ideological lines, with crucial contributions by nonpartisan and conservative actors.

...

Their work touched every aspect of the election. They got states to change voting systems and laws and helped secure hundreds of millions in public and private funding. They fended off voter-suppression lawsuits, recruited armies of poll workers and got millions of people to vote by mail for the first time. They successfully pressured social media companies to take a harder line against disinformation and used data-driven strategies to fight viral smears. They executed national public-awareness campaigns that helped Americans understand how the vote count would unfold over days or weeks, preventing Trump’s conspiracy theories and false claims of victory from getting more traction. After Election Day, they monitored every pressure point to ensure that Trump could not overturn the result.

...

That’s why the participants want the secret history of the 2020 election told, even though it sounds like a paranoid fever dream—a well-funded cabal of powerful people, ranging across industries and ideologies, working together behind the scenes to influence perceptions,

Page 114 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

change rules and laws, steer media coverage and control the flow of information. They were not rigging the election; they were fortifying it. And they believe the public needs to understand the system’s fragility in order to ensure that democracy in America endures.

Ball describes the participants in this plan as “democracy campaigners.” It was led by Mike Podhorzer, a “senior adviser to the president of the AFL-CIO,” one of the nation’s most powerful labor unions, aligned with the Democratic Party.

Ball notes:

In his apartment in the D.C. suburbs, Podhorzer began working from his laptop at his kitchen table, holding back-to-back Zoom meetings for hours a day with his network of contacts across the progressive universe: the labor movement; the institutional left, like Planned Parenthood and Greenpeace; resistance groups like Indivisible and MoveOn; progressive data geeks and strategists, representatives of donors and foundations, state-level grassroots organizers, racial-justice activists and others.

By April, she notes, Podhorzer was hosting two-and-a-half-hour Zoom meetings with other participants in the project. They pushed Congress to fund vote by mail, and persuaded Facebook CEO Mark Zuckerberg to contributed hundreds of millions of dollars to “election administration funding.” (As Breitbart News [warned](#), Zuckerberg’s donations looked more like a Democrat get-out-the-vote effort, and was [aimed](#) primarily at Democrat-heavy counties in key battleground states.)

The campaign also used legal efforts to change voting procedures during the COVID pandemic, leading to a “revolution” in mail-in voting: “Only a quarter of voters cast their ballots the traditional way: in person on Election Day,” Ball notes.

The group also used a “nameless, secret project” to fight “disinformation.” Their method was “to pressure platforms to enforce their rules, both by removing content or accounts that spread disinformation.” Ball does not mention the *New York Post*’s story about Hunter Biden’s [laptop](#), but tech companies, mainstream media outlets, and former intelligence officials leapt in October to call the laptop potential Russian “disinformation,” and to suppress it. Twitter blocked links to the story, and also locked the *Post* out of its account for more than two weeks. The story was later shown to be true, with Hunter Biden announcing — after the election — that he was under FBI investigation.

The group also decided to exploit the violent unrest that spread across the nation in the wake of George Floyd’s death in May, and took steps “to harness its momentum for the election without allowing it to be co-opted by politicians.”

Toward the end of the election, Ball reports, the U.S. Chamber of Commerce set aside old disputes to join the AFL-CIO in creating an alliance to reject claims of election fraud. Ball notes that some Republicans also aided in the effort.

As Breitbart News [reported](#) at the time, there was a nationwide left-wing movement to unleash more unrest if Trump claimed victory in a close election. Ball's reporting confirms that the "shadow" effort was coordinating such efforts. She adds that the "national mobilization network" was told to "stand down" after it appeared Biden would be the winner.

Later, she says, Podhorzer's network decided to make sure there were few counter-demonstrators at the January 6 "Stop the Steal" demonstration in Washington, DC, ensuring that blame for what happened would be placed on Trump alone.

Inside The Secretive Silicon Valley Cartel Group That Funnels Millions To Crony Kick-Back Buddies

There's a reason you haven't heard of Mind the Gap: Its "raison d'être is stealth."

By [Theodore Schleifer](#)

A secretive group led by Stanford University academics has unleashed millions of dollars in political spending from Silicon Valley and is now convincing some of its biggest donors to spend millions more to back Democrats in 2020.

Mind the Gap, a network formed less than two years ago, has been quietly routing millions of dollars to Democratic candidates and groups across the country in the 2018 and 2020 election cycles, emerging as a new power center in the Silicon Valley political scene. It's just that so far, it has avoided public detection.

The group's success is due in large part to how it speaks the language of Silicon Valley, donors and operatives say: In 2018, Mind the Gap pitched donors on a statistical model that tried to assess the precise impact of each additional dollar on the chance that Democrats would win the House of Representatives — as opposed to funding the easiest seats to flip. It's an approach one donor called the "[Moneyball](#) of politics."

That supposed secret sauce has ushered in more than \$20 million in new political spending from tech leaders and others who are grappling with how to best use their wealth in the age of Donald Trump, according to Mind the Gap's claims in materials seen by Recode. And the group has proven to be yet another way for Silicon Valley donors to spread their influence across the US at a time when many in the Democratic Party [want to see Big Tech's power abated rather than expanded](#).

Mind the Gap, whose efforts haven't previously been reported, has recently petitioned some donors for at least \$100,000 to support its efforts. Backers include people like [Facebook co-founder Dustin Moskovitz](#), former Google CEO Eric Schmidt, San Francisco power broker Ron Conway, and a coterie of major Democratic donors from across Silicon Valley, including fundraiser Amy Rao.

Page 116 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

There are many middlemen on the left who have tried to take advantage of Silicon Valley’s new political energy. But few are proving to be as unusual as Mind the Gap, in both its message and its personnel.

The group operates in a cone of secrecy, often exhorting its donors to keep their information secure. It has no website or presence on social media, and its leaders don’t mention their involvement in their professional biographies on sites like LinkedIn. That’s not by accident.

“The *raison d’être* is stealth,” one person with ties to the organization told Recode.

A core strategy of Mind the Gap has been to hide which candidates and groups it is backing until it’s too late, so to speak. Republicans closely watch Democratic donors to see which congressional races they are financing so they can mobilize their own donors to restore fundraising parity in a particular congressional district. So Mind the Gap’s game plan has been to escape a bidding war by having its donors begin shoveling money behind Democrats only in the fall of an election season — sometimes all on the same day — before Republicans have a chance to notice that they are soon to be outspent by Democrats (and then try to catch up).

That means Mind the Gap has been covert about which campaigns it is directing donors to support. In fact, some candidates who have been overwhelmed with donations from rich Silicon Valley types sometimes don’t even know they’re on the list, according to one donor who discussed the matter with a bewildered candidate.

What is also unusual is that Mind the Gap is led not by highly experienced political hands, but by academics with no professional backgrounds as fundraisers. The group’s leaders are a pair of Stanford law professors: [Barbara Fried](#), who has no apparent campaign experience, and [Paul Brest](#), the former president of the William and Flora Hewlett Foundation. [Graham Gottlieb](#), a Stanford fellow who served in junior roles for former President Barack Obama’s 2012 reelection campaign and in his White House, is its executive director.

Fried declined to answer specific questions from Recode about Mind the Gap’s efforts, past or present. But in a statement, she downplayed the organization as merely a “pro-bono donor advisor to people who are interested in evidence-driven decision making.”

“Most people have no idea whether their political contributions will actually make a difference,” Fried said. “Our aim is to evaluate the efficacy of different forms of political and civic engagement, and provide our conclusions free to individual, interested donors so they can make more educated decisions about where their money would be most effectively spent.”

Working with a well-regarded Democratic data firm, [Civis Analytics](#), and with early support from progressive mainstays like the AFL-CIO, Mind the Gap pitched donors in 2018 on a counterintuitive message to successfully take back the House: Don’t fund the congressional races that are the likeliest to flip. Those are already overfunded. Instead, fund the slightly less likely to flip races (say, ones in which

Page 117 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

a Democrat might have a one-third chance of winning) and where each donor dollar is more likely to make a difference — an “efficient funding” model, as Mind the Gap’s leaders called it.

“Democrats face a serious funding-efficiency gap: We are on track to significantly overfund many of the races perceived to be the ‘most flippable,’ and at the same time, underfund races that could be won if we invested in them,” reads one Mind the Gap memo from summer 2018 that Recode obtained. “To put it another way, most donors invest based on the perceived winnability of a race, rather than the difference their investment in the race will make to the outcome.”

That kind of pitch is catnip to people in Silicon Valley, who like to pride themselves on data-driven thinking.

The group set out to raise \$10 million in the 2018 election cycle by convincing as many as 400 donors to give \$2,700 each (the legal maximum) to as many as 20 different congressional candidates, according to the same memo. Mind the Gap’s fundraising drive ended up doubling those figures.

“It felt like a silver bullet, and that’s how they marketed it,” the person affiliated with Mind the Gap told Recode, characterizing the group’s thinking as: “We have figured out a way to game the system.”

Wealthy people from tech attracted by the vernacular of risk and return flocked to the group, packing donor briefings at ritzy spots in San Francisco’s Pacific Heights neighborhood and sharing the endorsement list with their friends across the tech industry. Those donors then flooded Democratic challengers like [Xochitl Torres Small in New Mexico](#) and [Lauren Underwood in Illinois](#) with as much as \$640,000 in high-dollar donations. Mind the Gap “infused into their campaigns almost overnight” an average of more than \$500,000 each, according to a separate, year-in-review memo distributed to donors last month and obtained by Recode.

Some of these candidates had as little as \$65,000 on hand before Mind the Gap arrived.

By the end of the election cycle, Mind the Gap had convinced 800 people to support its efforts and funneled \$11 million to Democratic candidates, according to Mind the Gap’s internal figures seen by Recode, and another \$9 million to Democratic groups. Ten of its 20 candidates, such as Torres Small and Underwood, won their races.

“They are incredibly grateful to you all, and many attribute their victory (rightly or wrongly) to MTG’s efforts,” the group told its donors in one memo.

Now, in advance of what’s expected to be the [most expensive presidential race ever](#), Mind the Gap is trying to bring that same thinking to the 2020 election, soliciting donors to sink millions of dollars into a trio of groups focused on voter registration and preparing to recommend more candidates later this year.

“Anything could happen between now and next November to change the picture significantly. *But we have no control over most of the things that will happen,*” the group told donors in its year-end memo

Page 118 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

last month. “As ever, the question for us is, what can we influence, and where will money make the biggest difference?”

These group bosses tell naive college kids and hapless immigrants that the cause is “immigrants” or “blackness” or “women's rights”, or other heart-string dog-whistles, but each and every election they do nothing for the causes and everything for their private bank accounts and stock market accounts.

The [article](#) even [confirms both The National Pulse’s reporting on former Obama lawyer Ian Bassin](#), as well as [Revolver.news’s assertion of the involvement of Norm Eisen](#) in what amounted to a major admission of a globalist set up to leverage the coronavirus, mail-in voting, and corporate interest.

“The first task was overhauling America’s balky election infrastructure,” Time states, with particular focus on what Phil Kline and the Amistad Project had brought to the attention of the world [with the assistance of The National Pulse in October](#).

An assortment of foundations contributed tens of millions in election-administration funding. The Chan Zuckerberg Initiative chipped in \$300 million.

The story directly echoes The National Pulse [reporting](#) from October 6th, though doesn’t credit the article which [stated](#) at the time: “The group recently received \$250 million from Facebook founder Mark Zuckerberg, and the significant majority of the sum has been funneled into Democratic districts.”

Toward the end of the election, Ball reports, the U.S. Chamber of Commerce set aside old disputes to join the AFL-CIO in creating an alliance to reject claims of election fraud. Ball notes that some Republicans also aided in the effort.

As Breitbart News reported at the time, there was a nationwide left-wing movement to unleash more unrest if Trump claimed victory in a close election.

Ball’s reporting confirms that the “shadow” effort was coordinating such efforts. She adds that the “national mobilization network” was told to “stand down” after it appeared Biden would be the winner.

Later, she says, Podhorzer’s network decided to make sure there were few counter-demonstrators at the January 6 “Stop the Steal” demonstration in Washington, DC, ensuring that blame for what happened would be placed on anti-Pelosians.

All of this secret Silicon Valley Cabal business was to control six trillions dollars of government money and who it got handed to. The Cabal wanted Elon Musk, Mark Zuckerberg, Larry Page, and their crony Dark Money conduits, to be the only ones that benefited. The Cabal used their power to crush, cut-off, blacklist, sabotage and exterminate every competitor that does not play ball or that makes a better product!

This Silicon Valley group of oligarchs, tech law firms, investment banks and lobby contractors fully meets the requirements to be considered by the FBI to be a RICO racketeering law-violating organized crime mobster organization like the Mafia. They should be arrested and shut down!

Page 119 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

The facts prove that this cartel exists. It is not theory or conspiracy. James Comey, the head of the FBI was fired for protecting this crowd. An FBI investigation, alone, probably can't bring them down, because the cartel has impregnated federal law enforcement. A Congressional task force must be established to terminate these dark manipulators...before it is too late.

When Public Government Money Is Private Payola

- Recognizing the problem

The problem is easy to recognize.

Step one: Does your City, State or Federal group offer a grant program, application-based funding program or other program which gives tax dollars to outside entities?

Step two: Have you had this, or a similar program, in operation for more than a year?

Step three: When you line up a list (LIST A) of the past “winners” alongside a list (LIST B) of their campaign contributions, lobbying expenditures, gifts and incentives; are the curves of each of those lists “strangely” the same?

If the answer is Yes: THEN YOU HAVE THE PROBLEM!

- The General Process Issues

Over 30 “green”, “cleantech” companies were put out of business by the DOE ATVM/LGP program. Many more companies, in each state, were terminated by the “efforts” of the officials of those states. Some were intentional terminations because they competed with contributor’s business interests and some were terminations caused by mismanagement of the grant process.

Most grant programs ostensibly seek innovation and better solutions.

BUT: Most “winning applicants” end up being big old companies who supply the same old thing who generally usually “win” the “contests”.

True innovators are scientists, chemists, physicists and engineers. They do not know about, have the skills for or have the aptitude for generating political documents.

BUT: Big old campaign contributor companies have rooms full of grant writers and spin doctors who can conveyor-belt out, political grant document-after-grant document, with all of the checklist items in carefully mnemonically metricized catch-phrases, but they offer no innovation.

Big campaign contributor “winners” have big teams of people that go around and “work the system” (promise or imply incentives). These teams are smiley, golden-ratio faced, out-going personality-type PR people.

BUT: True innovator scientists, chemists, physicists and engineers are, more often than not, socially awkward and uncomfortable with that sort of PR pretension and they avoid working the system.

Page 121 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

If one wants to pay off campaign contributors then these “contests”/“grant programs” they actually are a great way to provide “kickbacks in plain sight”.

BUT: In the age of the Everybody-Can-See-Everything internet, the public is now pretty much aware that this is what is going on.

Reality: If a City, State, Federal or NGO group wants true innovation solutions to public problems and issues, then they need to recognize that their grant programs, award programs and public funding programs are, in most cases, set-up to accomplish exactly the opposite!

In WIRED Tesla’s Siry Slams the DOE Loan Program For “Stifling Innovation”

Former Tesla PR honcho Daryl Siry lays into the Department of Energy’s Advanced Technology Vehicle Manufacturing Loan program (ATVML) at Wired’s Autopia blog, taking the \$25b program to task for “stifling innovation.” At its core, his argument is a simple one:

Startup companies that enjoy DOE support, most notably Tesla Motors and Fisker Automotive, have an extraordinary advantage over potential competitors since they have secured access to capital on very cheap terms. The magnitude of this advantage puts the DOE in the role of kingmaker with the power to vault a small startup with no product on the market — as is the case with Fisker — into a potential global player on the back of government financial support.

As a result, the vibrant and competitive market for ideas chasing venture capital that has been the engine of innovation for decades in the United States is being subordinated to the judgments and political inclinations of a government bureaucracy that has never before wielded such market power.

Of all of the Department of Energy programs intended to advance the green agenda while stimulating the economy, the Advanced Technology Vehicle Manufacturing incentive to spur the development of cleaner, greener automobiles is perhaps the most ambitious. But it has a downside.

The energy department has approved direct loans to Nissan, Ford, Tesla Motors and Fisker Automotive totaling about \$8 billion out of a budget of \$25 billion. The magnitude of this program dwarfs other DOE campaigns like the \$2.4 billion given to battery and electric vehicle component manufacturers and the \$4 billion disbursed for “smart grid” projects.

To the recipients the support is a vital and welcome boost. But this massive government intervention in private capital markets may have the unintended consequence of stifling innovation by reducing the flow of private capital into ventures that are not anointed by the DOE.

To understand this apparent contradiction, you have to look at the market from the perspective of venture capitalists looking to deploy investors’ capital and startups looking to attract it.

Venture capitalists evaluate a company on the basis of whether they think it will succeed and generate returns for their portfolios. While this evaluation is a function of many things, one key question is how much more capital the company will need to get its product to market or a liquidity event so that the venture capitalist can see a return. The more capital it needs, the more dilutive it will be to the early investors.

In cleantech, and in particular alternative fuel vehicles, the capital requirements for companies bringing a car to market in significant numbers can be extraordinarily high, reaching into the hundreds of millions of dollars if the company wants to build its own manufacturing facilities.

To a venture capitalist, this capital requirement can be daunting. This is why government financing is so attractive. In the case of the advanced technology manufacturing loans, the DOE steps up for 80 percent of the total amount needed. Private sources fund the other 20 percent. This amounts to free leverage for the venture capitalist's bet, with no downside. Hedge funds historically used massive leverage to generate outsized returns, but if the trade turns against them, that same leverage multiplies their downside and can lead to financial ruin. In the case of the DOE loans or grants, the upside is multiplied and the downside remains the same since the most the equity investor can lose is the original investment.

The proposition is so irresistible that any reasonable person would prefer to back a company that has received a DOE loan or grant than a company that has not. It is this distortion of the market for private capital that will have a stifling effect on innovation, as private capital chases fewer deals and companies that do not have government backing have a harder time attracting private capital. This doesn't mean deals won't get done outside of the energy department's umbrella, but it means fewer deals will be done and at worse terms.

According to Earth2Tech, venture capitalist John Doerr commented on this at the GreenBeat conference earlier this month, saying "If we'd been able to foresee the crash of the market we wouldn't probably have launched a green initiative. Because these ventures really need capital. The only way in which we were lucky I think is that the government stepped in, particularly the Department of Energy. Led by this great administration that put in place these loan guarantees." Several sources within startup companies seeking DOE loans or grants have admitted that private fundraising is complicated by investor expectations of government support. None would speak publicly due to the sensitivity of the issue and the ongoing application process.

Aptera Motors has struggled this year to raise money to fund production of the Aptera 2e, its innovative aerodynamic electric 3-wheeler, recently laying off 25 percent of its staff to focus on pursuing a DOE loan. According to a source close to the company, "all of the engineers are working on documentation for the DOE loan. Not on the vehicle itself." Another highly placed source at Aptera told Wired.com many potential investors wanted to see approval of the DOE loan before committing to invest.

Startup companies that enjoy DOE support, most notably Tesla Motors and Fisker Automotive, have an extraordinary advantage over potential competitors since they have secured access to capital on very cheap terms. The magnitude of this advantage puts the DOE in the role of kingmaker with the power to vault a small startup with no product on the market -- as is the case with Fisker -- into a potential global player on the back of government financial support.

As a result, the vibrant and competitive market for ideas chasing venture capital that has been the engine of innovation for decades in the United States is being subordinated to the judgments and political inclinations of a government bureaucracy that has never before wielded such market power. A potential solution to this problem may seem counter-intuitive. The best way to avoid market distortion would be for the DOE to cast the net more broadly and provide loans and grants to a larger number of companies -- which ironically means being less selective. Subject to the existing equity matching requirement, this would allow the private markets to function more effectively in funding a broader range of companies and driving more innovation. Several innovative companies with great potential have been in the DOE pipeline for many months. Perhaps it is time for the DOE to stop playing favorites and start spreading the love.

Wired.com contacted the Department of Energy for comment but did not receive a reply.

The Solutions-

1. Go to greater lengths to find the small innovators and let them know about the program. Sending a general email out to “the usual suspects” doesn’t cut it.
2. Provide a dedicated small innovator advocate, in each funding program who is missioned to assist the small innovator companies. Make them call, and email, each one personally.
3. Fire that advocate if more than 3 small business groups prove that they are compromised.
4. For any applicant with less than 10 staff, YOU, verbally interview them and fill out the forms for them. They do not have the staff to do it. You place them in a “no win” situation by even offering these grant opportunities, they all know it by now and so almost none of them apply any more unless they just formed their company. After the first burn, when they realize the cards are stacked against them, they won’t waste their time again.
5. Make the application as simple as possible. One of the richest people in the world: Bill Gates, and his wife Melinda, decided to give away quite a lot of money in grants. They had the resources to test, validate and prove what the best kind of grant application is. What did they figure out for the Grand Challenge: That they just needed a TWO PAGE APPLICATION. They have used this for years, it works great and has funded some of the greatest innovations in the world.
6. Announce who your reviewers are, by name and affiliation. Just like the law now requires for

Page 124 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

financial writers. State ANY positions your reviewers have in any companies related to the industry involved in the grant.

7. Post the reviewer results online. Allow the transparency to have their assumptions, or comments challenged to prove the game isn't rigged.

8. Does the world seem to be in disarray? Does every news cycle seem like there are more and more problems and more and more people complaining? IT ISN'T TRUE! The same amount of disarray and problems exist today as have existed over the last few centuries. BUT NOW EVERY VOTER CAN SEE EVERYTHING. While the internet has brought us awful things like cyber-bullying child suicides and the hacking of everything, it has created a transparency that will never go away. The toothpaste is out of the tube. Organizations need to accept the fact that corruption only works in darkness and the internet has lit up everything. If old systems of reward exist to pay back donors, it can now be found out by a bored soccer mom or an out of work construction worker with a notebook computer, and there are millions of them. Change up any systems that could be rigged because we live in an age where those sorts of things can come back and bite you during your current career cycle. The FBI is much tougher on these sorts of things these days.

9. News Media now have databases equal to those of the NSA. New online media outlets have been starting up in great quantities, lately, using "big data" story research engines. They can track every connection of every applicant, executive and associate and other party in a very short period of time. Just read the detail they have gone into about CGI Federal, the company that screwed up Obamacare, and their staff, ownerships, personal relations, etc. Plan on transparency in the new world. It has arrived.

10. To repeat, however efficiently you think your application is written: YOUR APPLICATION PAPERWORK IS TOO LONG. The DOE spent more money and resources on due diligence and had more application paperwork for their ATVM/LG and other loan programs THAN ANY COUNTRY HAD DEVOTED IN HUMAN HISTORY! Yet we had the stunning failures of Abound, A123, Fisker, Solyndra, etc.. etc...

Hold three online web conference for 1.) Under 10 person companies 2.) Under 20 person companies 3.) The big guys. Give each segment a chance to comment, ask questions and get informed within their peer group.

Publicly identify revolving door staff.

Allow for a challenge process for any member of the media or applicant groups to challenge a decision and correct, or comment on, erroneous data.

Don't rig the stock market or investor market by setting up financing that makes your organization cause outside investors to wait until they see your term sheet like DOE did. Provide a Crowdfunding support resource in all new funding from now, forward. The SEC has made Crowdfunding fully legal now. Allow Crowdfunded offsets and co-promote them using your agency PR resources.

Page 125 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

Don't use the "delayed review" tactic to try to put contributors competitors out of business by stringing them along until they run out of cash. The media has covered this tactic in great detail and new laws allow those who got strung out to sue you and win if they catch you.. and it is easier to catch people these days.

Page 126 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

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REFERENCES, EVIDENCE LINKS AND SOURCES:

[** THAT SILICON VALLEY OLIGARCHS RUN A MONOPOLISTIC CARTEL!](#)

[** THAT SILICON VALLEY OLIGARCHS AND THEIR POLITICIANS RUN A SEX CULT AND TRANSACT BRIBES WITH SEX!](#)

[** THAT AN EXTRAORDINARY NUMBER OF SUSPICIOUS DEATHS HAVE HAPPENED TO PEOPLE INVOLVED IN THIS CASE](#)

[** THAT TECH OLIGARCHS AND CALIFORNIA SENATORS HIRE CHARACTER ASSASSINS AND HIT JOB ATTACKERS TO HARM CITIZENS WHO SPEAK OUT!](#)

[Forensics - See Which Senator Or Oligarch Is Lying To You](#)

[The Book - Who Really Killed The Electric Car](#)

[Videos - TV News Segments About These Cases](#)

[Google - The Lies Of Google And Youtube](#)

[Musk - Bribes Frauds Safety Cover ups And Stock Manipulations](#)

[Tech-Theft - Silicon Valley Oligarchs Rig The USPTO](#)

[Us - Meet Some Of Us](#)

Page 127 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

[Safety - How To Secure Your Devices From The Theiving Tech Oligarchs](#)

[Oligarchs - The Mobsters Of Silicon Valley Tech](#)

[Press-Clips - Press Clippings About These Cases](#)

[News-Memes - Images From The Biggest Shockers](#)

[Photos - Key Shots From The Cases](#)

[Hotshots - Reader Submissions](#)

[Case1 - Key Case Example Of Political Corruption](#)

[Attackers - The Hired Defamation Services](#)

[Frisco - The Pure Hell That Is San Francisco And Its Corruption](#)

[Stocks - The Dirt Behind The Dirty Ones](#)

[Expose1 - The Dirty Deeds Of Silicon Valley #1](#)

[Expose2 - The Dirty Deeds Of Silicon Valley #2](#)

[Takedown - Wiping Out The Corrupt](#)

[Expose3 - How Political Corruption Actually Works](#)

Page 128 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

[Muskrat - The Scammer Behind It All](#)

[Movie - A Big Overview Of Political Corruption](#)

[Targets - Companies That Do Not Deserve To Operate](#)

[SexCult - The Tech Oligarchs Have An Actual Sex Cult](#)

[Afghaniscam - The Politicians Corrupt Rare Earth Mines](#)

[Stimulus - How The Stimulus Money Actually Works](#)

[Tech - Big Brother Is In Your Phone](#)

[Murders - The Dead Witnesses](#)

[Film - Free Feature Film](#)

[Congress - Congress Uncovered Crimes And Corruption](#)

[Anti-Trust - How Silicon Valley Kills Competition](#)

[Free-Book - CORRUPTION DISRUPTION - A How-To Manual](#)

[Press - More Press Coverage By Other Sites](#)

[Reports - Reports Supplied To FBI And Congress](#)

[Stock Fraud - How One Company Cooks The Books And The Truth](#)

[DELETED By Allum Bohkari](#)

[THE DIRTY DEEDS OF SILICON VALLEY - VOLUME ONE By Westin Parker](#)

[THE DIRTY DEEDS OF SILICON VALLEY - VOLUME TWO By Westin Parker And The Wiki Team](#)

[NEWS ARTICLE ARCHIVES ABOUT THIS CASE at <http://www.focus-book.com>](#)

[The Age of Surveillance Capitalism By Shoshana Zuboff](#)

[Catch and Kill By Ronan Farrow, \[https://en.wikipedia.org/wiki/Catch_and_Kill: Lies, Spies, and a Conspiracy to Protect Predators\]\(https://en.wikipedia.org/wiki/Catch_and_Kill:_Lies,_Spies,_and_a_Conspiracy_to_Protect_Predators\)](#)

[Permanent Record By Edward Snowden, <https://www.amazon.com/Permanent-Record-Edward-Snowden/dp/1250237238>](#)

[Brotopia By Emily Chang, <http://brotopiabook.com/>](#)

[Throw Them All Out By Peter Schweizer, <http://peterschweizer.com/books/throw-them-all-out/>](#)

[The Circle By David Eggers, <https://archive.org/details/circle00dave>](#)

[Companies Targeted For Bankruptcy For Their Crimes Against The Public By The Internet Research Group](#)

[World Without Mind By Franklin Foer, <https://www.amazon.com/World-Without-Mind-Existential-Threat/dp/1101981113>](#)

Page 130 EXHIBIT 92 – Case # 22-cv-1107-TSH, Norcal 9th District

A Journey into the Savage Heart of Silicon Valley By Corey Pein,
<https://www.goodreads.com/book/show/35684687-live-work-work-work-die>

Disrupted By Dan Lyons, <https://www.goodreads.com/book/show/26030703-disrupted>

Chaos Monkeys By Antonio García Martínez, <https://www.antoniogarciamartinez.com/chaos-monkeys/>

The Creepy Line By Matthew Taylor, <https://www.thecreepylines.com/>

The Cleantech Crash By Leslie Stahl, <https://www.cbsnews.com/news/cleantech-crash-60-minutes/>

Congress: Trading stock By Steve Kroft, <https://www.cbsnews.com/news/congress-trading-stock-on-inside-information/>